

18.07.2022
Sl.No.1(SL)
srm

W.P.A. No. 9551 of 2020

Moslema Begam

Versus

The State of West Bengal & Ors.

Mr. Amitabha Ghosh,
Ms. Nabanita Chatterjee

... for the Petitioner.

Mr. Santanu Kumar Sen

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner alleges police inaction. According to the petitioner, the police authorities were not taking steps despite a complaint having been lodged, alleging commission of cognizable offences.

It is the specific contention of the petitioner that pursuant to receipt of a copy of the writ petition, the principal accused person was arrested and was subsequently released on bail.

Apart from inaction on the part of the police authorities, it is further submitted from the Bar that on release of the accused person, the petitioner and her family members were being harassed. Specific protective orders are being prayed for.

The police report is taken on record. It appears that on the basis of two specific complaints, Chanditala Police Station Case No.305/2020 dated October 16, 2020 under Sections 448/341/323/504/506/34 of the Indian Penal Code and Chanditala Police Station Case No.345/2020 dated October 25, 2020 under Sections 448/326/307/504/506/34 of the Indian Penal Code, had been registered. Some of the accused persons are absconding. Sk. Amirul was arrested. The police authorities collected relevant evidence. Statements of witnesses were recorded under Section 161 of the Code of Criminal Procedure and related medical records of the victim were also obtained from the Serampore Sub-Divisional Hospital.

Upon completion of the investigation, charge sheets have been filed in both the cases. It also appears that a counter-complaint was received by the police authorities from one Sima Sekh against 10 persons, who are close relatives of the petitioner. The dispute was over non-payment of money. Smt. Sima Sekh's husband had been physically assaulted by dangerous weapons. Severe physical injuries had been sustained by him. On the basis of the complaint, Chanditala Police Station Case No.346/2020 dated October 25, 2020 under Sections 341/326/307/504/506/34 of the Indian Penal Code had been

registered. One Matiar Rahaman Mallick, son of Late Sultan Mallick was arrested in the said case. After investigation, charge sheet had been filed. All the above cases, between the parties inter se and their relatives, are pending trial.

Under such circumstances, nothing further remains to be decided in the writ petition. The police authorities shall keep a vigil in order to ensure that further untoward incident does not take place. The police authorities shall continue their search to arrest absconding accused persons and take appropriate steps in the court below.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)