

OD-6

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/2001/2022

BANDANA SARKAR
VERSUS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 21st April, 2022

Appearance:

Mr. Zohaib Rauf, Adv.

Mr. Pratip Mukherjee, Adv.

Mr. Omar Faruk Gazi, Adv.

Mr. A. Agarwal, Adv.

Mr. S. Mondal, Adv.

Mr. Amitesh Banerjee, Sr. Adv.

Ms. Ipsita Banerjee, Adv.

Mr. D. Roy, Adv.

Mr. S. K. Gupta, Adv.

Mr. A. Paul, Adv.

The Court :- The writ petitioner complains of impropriety on the part of the Manicktala police station in issuing notice under Section 41A to her. The petitioner is 74 years old and hence notice under Section 41A cannot be issued to her for being contrary to the provisions of Section 160 of the Cr.P.C, 1973.

This Court is satisfied that the notice under Section 41A to the petitioner is bad in law, to the extent that it is in violation of Section 160.

Since there are four separate FIRs registered against the petitioner, inter alia, under Section 498A of the Indian Penal Code, 1860 the investigating officer shall visit the premises of the petitioner for any purpose related to the investigation.

Likewise, the investigation into the FIRs registered on complaints filed by the petitioner shall also be carried out strictly in terms of the Cr.P.C. and the investigating officer shall also visit the petitioner's residence for the aforesaid purpose.

The investigating officer shall complete investigation into all the FIRs within a period of 45 days from date.

Since there are claims made by the petitioner of harassment and torture by the daughter-in-law, the officer-in-charge, Manicktala police station shall immediately attend to any complaint made by the petitioner against the private respondent daughter-in-law and son.

All parties undertake to maintain peace and tranquility at the residence.

With the aforesaid observations, WPO No. 2001 of 2022 is disposed of.

(RAJASEKHAR MANTHA, J.)