

07.02.2023.
Court No.13
Item No. 346
pk

W.P.A. No. 2698 of 2021
Ranuma Bibi
Versus
The State of West Bengal & Ors.

Mr. Raj Kumar Sain
...For the petitioner.

Several orders have been passed with regard to investigation conducted by the Bhabanipur Police Station, Purba Medinipur in connection with FIR No. 145 of 2021.

A Co-ordinate Bench of this Court had directed the I. O. to record the statement under Section 164 of the Cr. P. C. if he was willing. However, it appears that final report in the form of FRT was filed on 17.08.2021 after the writ petition was taken up for hearing on 26.02.2021.

On 16.08.2021 the Court was not informed that FRT has been filed. FRT was prepared on 24th July, 2021 and filed before and accepted by the ACJM on 17.08.2021.

It was not informed to this Court on 16.08.2021 that FRT was already filed in the matter. It is in that context that a Co-ordinate Bench had ordered that the statement of the widow of the victim under Section 164 of the Cr. P C. should be recorded.

It appears that for the first time on 19th May, 2022 it is informed to this Court that FRT has been filed.

Having considered the affidavit-in-opposition filed by the State and the other pleadings, this Court is of the view that it may have been misled by the I. O. of the Bhabanipur Police Station. The FRT in the matter accepted by the Magistrate on 17.08.2021 shall stand set aside.

The O. C., Bhabanipur Police Station, Haldia, Purba Medinipur shall entrust the matter to a new Investigating Officer(I.O.). The statement of the petitioner under Section 164 of the Cr. P. C. shall be recorded forthwith.

The newly appointed I. O. shall be entitled to revisit the whole investigation and take an independent view in the matter and submit a report in final form to the ACJM concerned within a period of 45 days from the date of communication of a copy of this order.

Investigation shall be conducted under the supervision of an official nominated by the Superintendent of Police, Purba Medinipur not less than a rank of D. S. P.

In view of the above, the instant writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

