

14.03.2023
Court No.13
Item No.14
AP

WPA 5207 of 2023
The Victim Girl
Vs.
The State of West Bengal and Ors.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Sayan Banerjee
Mr. Badrul Karim
Mr. Kiron Sk

... For the petitioner.

Mr. Amitesh Banerjee
Ms. Piyali Sengupta
Mr. Suddhadev Adak

... For the State.

Mr. Sreyash Kumar Singh

... For the Respondent Nos.10 to 13.

The petitioner is aggrieved by investigation into FIR being Tiljala Police Station Case No.199 of 2022 dated 21st July, 2022 under Sections 406, 354, 376, 506, 509, 417, 420, 120B of the IPC.

The petitioner complains that the investigating officer had tried to pressurise and compel the petitioner to settle with the accused person. It is further alleged that the wearing apparel of the petitioner and the accused have not been seized. Admittedly, the petitioner was in a relationship with the accused and had physical relations on a promise to marry since 2019.

It is also alleged by the petitioner that the accused has obtained various sums of money and articles of value from the petitioner. The petitioner also submits that certain personal and private photographs of the petitioner are in the custody of the accused person.

Mr. Banerjee, learned senior counsel for the State, submits that investigation has been completed and charge sheet No.346/22 dated 8th December, 2022 under Sections 354, 376, 506, 509, 417 of the IPC has already been filed in the matter by the Tiljala Police Station.

This Court is of the view that the investigating officer should forthwith seize the wearing apparels of the petitioner and the accused person, which the petitioner claims, is in her custody. The evidence of all financial transactions made by the petitioner at the instance and request of the accused person shall also be seized.

The mobile phone of the accused person shall also be seized and it shall be ensured that the private photographs of the petitioner are not made public by the accused or any other person. The mobile phone may be sent for forensic examination.

The Deputy Commissioner of Police, South East Division shall also appoint a new investigating officer in the matter.

The petitioner shall be at liberty to approach the Commissioner of Police, Kolkata with an appropriate representation against the existing investigating officer.

Mr. Banerjee submits an enquiry was conducted against the existing investigating officer by the higher-ups of the police and the allegations of the petitioner have not been found to be sustainable.

The matter shall be re-examined by the Commissioner of Police.

It is made absolutely clear that the new investigating officer, after complying with the aforesaid directions may file supplementary charge sheet if deemed necessary. Any further statements including that of the petitioner may be obtained by the new investigating officer. It is expected that the new investigating officer complete the further investigation as ordered hereinabove as expeditiously as possible.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)