

15-05-2023
ct no. 13
Sl. 21
pk

WPA 10064 of 2023

Sri Biswanath Dey
-Versus-

The State of West Bengal & Ors.

Mr. Mrityunjoy Chatterjee
Mr. Manas Das,
Mr. Debapriya Majumder
... for the petitioner

Mr. Amitesh Banerjee,
Mr. Suddhadev Adaka
... for the State.

1. Affidavit of service filed in Court is taken on record.
2. The writ petitioner is aggrieved by investigation into FIR No. 16 of 2023 registered with the Shyampukur Police Station on the directions of the Metropolitan Magistrate at Calcutta.
3. Counsel for the petitioner submits that he was not notified that his daughter was in a life threatening situation. He was not even notified of her death by her in-laws. FIR has been registered under Sections 306 and 34 of the IPC. The accused are all on bail.
4. Counsel for the petitioner seeks that investigation must be supervised by a sufficiently senior officer.

5. It appears to this Court that the statement of the petitioner under Section 164 of the Cr. P. C. has not been recorded. Let the same be done expeditiously.

6. Investigation into the subject FIR shall be supervised by the Deputy Commissioner of Police, North of the Kolkata Police.

7. It is ordered that an effective and fair investigation is conducted in the matter. The DCP and the concerned I. O. shall be entitled to add any further sections in the FIR.

8. Since it is submitted that the viscera and other parts of the deceased have been sent to FSL, it is ordered that the Director of FSL expedites the submission of the report to the Shyampukur Police Station.

9. All attempts must be made to complete investigation within two months from date.

10. Since the petitioner complains of threat from the accused and other persons, he may lodge a formal complaint with the DCP.

11. After assessment of threat perception, appropriate measures may be put in place by the DCP.

12. The writ petition is disposed of.

13. There will be no order as to costs.

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

(Rajasekhar Mantha, J.)