

17.05.2023
Court No.13
Item No.18
AP

WPA 12188 of 2023

X

Vs.

The State of West Bengal and Ors.

Mr. Arka Pratim Chowdhury
Mr. Sunny Nandy
Mr. Subha Pathak

... For the Petitioner.

Mr. Sk. Md. Galib
Ms. Subhra Nag

... For the State.

Mr. Tarunjyoti Tewari

... For the Respondent Nos.5 & 6.

Mr. Ayan Bhattacharya
Mr. Anshunath Chakrabarty

... For the Respondent No.9.

1. The name of the petitioner shall be deleted from the cause title of the writ petition and be replaced with the expression "X".

2. Leave is granted to the learned advocate on record of the petitioner to amend the cause title in course of the day.

3. The petitioner alleges that she has been tortured by the private respondent No.9. On a complaint of the petitioner FIR being Technocity Police Station Case No.148/22 dated 1st August, 2022 has been registered under sections 341, 323, 325, 354 and 506 of the IPC.

4. Counsel for the petitioner submits that his client's complaint was written at the instance of the police. The private respondent No.9 is stated to have had physical relation with the petitioner and also tortured her

repeatedly over a period of time. Private pictures of the petitioner are stated to have used to blackmail her.

5. The private respondent No.9 shall delete and remove all pictures of the petitioner from his mobile phone and/or any other medium on which the same may be stored and shall not circulate the same.

6. Copies of such pictures shall, however, be given to the investigating officer. The mobile phone and other medium of the private respondent No.9 shall be surrendered to the investigating officer.

7. Counsel for the State, Mr. Galib, has submitted that the petitioner appeared to have been in a consensual relationship with the private respondent No.9 over a period of four years. The private respondent No.9 is a ex-student of the college. There are other omissions against the petitioner found by the investigating officer.

8. Investigation into the FIR being Technocity Police Station Case No.148/22 dated 1st August, 2022 has been completed and charge sheet being No.148/22 dated 31st August, 2022 has been filed. The private respondent No.9 has been granted bail.

9. Counsel for the petitioner submits that important sections that ought to have been added based on her complaint and statement have not been included. She did not give any statement under section 164 of the CrPC.

10. The petitioner has also complained to the Commissioner of Police, Bidhannagar on 12th May, 2023

that a named official of the police has tried to take advantage of her.

11. Having heard the learned counsel for the parties, this Court directs the Commissioner of Police, Bidhannagar to nominate a lady officer of the rank of ACP to investigate afresh into the entire matter. The ACP shall be entitled to record any statement of the petitioner or any other persons in addition to those already recorded by the present investigating officer. The ACP shall be entitled to file either a supplementary charge sheet or a fresh charge sheet in the matter. In the event of a fresh charge sheet being filed, the earlier charge sheet dated 31st August, 2022 shall automatically remain in abeyance.

12. The investigation must be conducted both in respect of the complaints of the petitioner that have resulted in FIR and the other complaint lodged to the Commissioner of Police, Bidhannagar dated 12th May, 2023. The ACP shall be entitled to add any sections in the FIR and seek a medical examination of the petitioner.

13. Let the investigation be completed as expeditiously as possible preferably within a period of two months from date.

14. The university is represented. It is submitted that they are conducting an enquiry of their own after receipt of a complaint dated 30th April, 2023. The university may take steps in accordance with law.

15. The university and its faculty and students shall cooperate in the investigation of the ACP.

16. The report of the Inspector-in-Charge, Technocity Police Station, Bidhannagar Police Commissionerate dated 17th May, 2023 is taken on record.

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

18. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)