

02 17.07.2023
NB Ct. 14

WPA 13766 of 2023

Sumita Jana
Vs.
The State of West Bengal & Ors.

Mr. Phiroze Edulji,
Ms. Amrita Pandey,
Ms. Anamika Pandey,
Ms. Sneha Singh,
Ms. Roustavi Mukherjee.
...for the petitioner.

Ms. Ipsita Banerjee.
....for the State.

Mr. Bharat Ch. Simai
...for the respondent no.14.

This is an application under Article 226 of the Constitution of India alleging police inaction in respect of an FIR lodged by the de facto complainant alleging kidnapped of her minor daughter.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's daughter has become a victim of trafficking although some people are trying to make out a case that she had eloped with her neighbour. The prime accused is a married man. No effective investigation has been done in this case. It takes only a few days to get the CDR from the concerned telephone operator. The investigating agency should have put the relevant phone numbers on tracking but that was not done. Any further delay for proper investigation could turn out to be a fatal.

Learned counsel appearing on behalf of the State relies on a report which is taken on record and after referring to the case diary submits as follows. Proper investigation is going on in this regard. The bail application of one of the accused was rejected. The prime accused, however, is still absconding. The police has not yet been able to get the SDR/CDR of some tracked mobile numbers.

Learned counsel appearing on behalf of the private respondent no.14 submits that he is absolutely innocent and has nothing to do with the present case. He was granted bail by the learned Trial Court for the same.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition, the report filed by the State and the case diary.

It appears that the First Information Report was lodged on 01.02.2023. Since then, the minor victim is untraceable. In such circumstances, the investigating agency should have shown more urgency in investigating the case. It is not good to see that till now they have not collected the CDR/SDR details.

In view of the above, and in the interest of justice, I dispose of the writ petition with the following directions:-

- (i) Let the investigation be forthwith transfer to the CID, in any event, within not less than 48 hours.
- (ii) The CID shall conduct further investigation into the alleged offences and take appropriate steps including obtaining CDR/SDR reports for the mobile numbers

and putting the relevant mobile phone numbers on tracking in accordance with law, if necessary.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)