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WPA 14214 of 2023

Nivedita Bhattacharjee

-vs-

State of West Bengal & ors.

Mr. Moyukh Mukherjee

Ms. Sagnika Banerjee

....for the petitioner

Mrs. Ipsita Banerjee

Mr. Tarak Karan

...for the State

This is an application under Article 226 of the Constitution of India praying for transfer of the investigation of the instant case to the respondent no.7 being the Detective Department, Lalbazar.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has complained of alleged inaction on the part of the Gariahat Police Station in respect of the death of her twin sister, Sanchayita Bhattacharjee. The victim had undergone an interfaith marriage. After some time, her husband died. Thereafter, her in laws started controlling her finances forcing her to live in penury. This and other torture inflicted by the accused forced her to commit suicide. Her dead body was detected after a few days of death on the 2nd May of 2023. A UD case was started then. Only after the present petitioner lodged a complaint, the police case was started on 6th May, 2023. On 2nd May,

2023 itself, a suicide note was seized from the place of occurrence. This was made a part of investigation of the present case. The same was sent to the handwriting experts on 17.07.2023, much after the present petitioner had instituted the instant writ petition alleging police inaction. The accused were neither interrogated nor arrested. No statement of the informant under Section 164 of the Code was recorded. However, it has been prayed for only after intervention by this Court. There is a clear bias in the investigation of the case which is writ large from the lackadaisical attitude of the Investigating Officer in not taking appropriate steps even vis-à-vis the accused.

Learned counsel representing the State relies on the report and the case diary and submits as follows. A handwriting expert opinion is awaited. Investigation is going on. After the same is available, further steps may be taken up in investigating the offences.

At this stage, the Court wanted to see the suicide note. But, it was submitted on behalf of the State that the suicide note was not present in the case diary.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition and the report filed and the case diary produced by the State.

It is absolutely preposterous that a suicide note seized on 2nd May, 2023, made a part of the investigation of the present case and thereafter, send for comparison to the handwriting expert, would not be present in the case diary.

This speaks volumes about the manner in which the investigation is being carried out.

There are other serious infirmities in the investigation of the case involving the death of the petitioner's twin sister. First, the Investigating Officer sent the suicide note to the handwriting expert only after a writ petition was filed alleging police inaction. This was much after the registration of FIR. No effort has been made to interrogate or arrest the accused.

Therefore, a prima facie case is made out for transfer of the investigation as prayed for.

Accordingly, investigation of the case be immediately transferred to the Detective Department, Lalbazar.

Let the Joint Commissioner of Police, Crime Branch, Lalbazar appoint a competent officer from the Detective Department to carry out further investigation of the case.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)