

07-02-2023
ct no. 13
Sl.334
sp

WPA 15155 of 2021
Monoranjana Biswas
-Versus-

The State of West Bengal & Ors.

Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani

....for the petitioner

Mr. Ayan Bhattacharjee,
Mr. Anand Kesari,
Mr. Sharequl Haque,
Mr. Suman Majumder

...for the respondent no.9

The Superintendent of Dhrubashram
Observation and Special Home & Place of Safety for
juvenile is present in Court.

It is submitted that in response to notice of the
petitioners, instructions were given to the State
Advocate and yet nobody represented him before this
Court. It is explained by the Superintendent that the
victim boy was brought to the juvenile home on June
15, 2021 at about 6 p.m. He was to be produced
before the Juvenile Justice Board on June 28, 2021.

Sometime in the afternoon of June 18, 2021,
fellow inmates found the petitioner's son hanging
inside the toilet. The post mortem report, as to the
Belghoria Police Station instructions dated January
23, 2023, specify four injuries. The first three injuries
are a lacerated wound, linear crescentic abrasion on
the back of the ear and bruise of the back of the ear.

The post mortem doctor indicated that the injury was caused with some hard blunt instrument, on the back of the head. The abrasions were caused either by pressure of a knuckle or nail-like substance.

There is prima facie evidence before this Court of some physical assault on the victim before death. The actual circumstances under which the victim died hanging, also needs to be investigated.

This Court notes the failure on the part of the Investigating Officer of the Belghoria Police Station in ignoring the above injuries that would have otherwise warranted an appropriate investigation. The conclusion reached by the I.O. is rather abrupt.

This Court, however, notes that the report of the Belghoria Police Station under the signature of the Officer-in-Charge, Ratan Chakraborty, Belghoria PS, is detailed and explicit. A fair attempt has been made by the said Ratan Chakraborty to bring the correct facts before this Court, which is appreciated.

The investigation into the death of the victim, namely, Pintu Biswas is required to be revisited or done afresh.

This Court, therefore, directs the CID, West Bengal to take over the entire investigation into the circumstances leading to the death of said Pintu Biswas.

The case diary and all materials in the matter shall be handed over to the CID, West Bengal by the Belghoria and Sarsuna Police Station.

The CID, West Bengal shall investigate the matter afresh and submit the final report before the Jurisdictional Magistrate, within a period of 2 months from date.

The presence of the Superintendent of the Dhruvashram Observation and Special Home & Place of Safety for juvenile is dispensed with.

Given that the late Pintu Biswas died in the custody of the State, the petitioner shall be entitled to apply for victim's compensation in terms of the applicable rules before the State, inter alia, through the State Legal Services Authority.

With the aforesaid observations, 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.)