

11 05.09.2023
NB Ct. 14

WPA 16388 of 2023

Bandana Debnath
Vs.
The State of West Bengal & Ors.

Mr. Sumanta Biswas,
Mr. Bikash Shaw.
...for the petitioner.

Mr. Suman Sengupta, Sr. Govt. Adv.,
Mr. Deep Jyoti Chakraborty.
....for the State.

Ms. Juin Dutta Chakraborty.
...for the respondent nos.5 to 14.

Affidavit affirmed by the learned advocate on record of the petitioner about the interaction with the Inspector-in-Charge, Uluberia Police Station, as filed in Court, is taken on record.

A copy of the same is handed over to the learned counsel for the State.

A report dated 05.09.2023 filed by the Superintendent of Police, Howrah (Rural) District is also taken on record.

It is the petitioner's case that the petitioner was the owner of the land in question. The private respondents made attempts to grab the property. Pictures of private moments of the petitioner were taken and uploaded and she was pressurized to budge. But, she resisted. Finally, an FIR was registered at the behest of the petitioner. But the name of the prime accused was omitted. The accused were not arrested. With this grievance of police inaction, the petitioner had approached this Court. On 25.07.2023, this Court, inter alia, directed the police to keep a strict vigil at the locale and ensure that no breach of peace takes place. In spite of this, the private

respondents continued to harass, disturb and intimidate the petitioner. The severity of the torture increased. On 09.08.2023, the petitioner called up the police authorities including the Inspector-in-Charge, Uluberia Police Station about the threats regarding the life of the petitioner and her family members. In spite of that, no action was taken. On 23.08.2023 the prime accused was granted bail by a Division Bench of this Court. On 28.08.2023, the respondents attacked the petitioner and her family members. She received grievous injuries and her husband was murdered. One of the accused in the present case is a police constable. This is a result of gross negligence on the part of the local police authorities. Appropriate steps should be taken in this regard to punish the erring Officers. The investigation may be handed over to another Officer and be conducted under the supervision of a superior Officer.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The Superintendent of Police had called for an explanation from the Inspector-in-Charge, Uluberia Police Station regarding the inaction to comply with the earlier order of this Court and about what steps he had taken after receiving the complaint dated 09.08.2023. For the gross negligence of SI Mrityunjoy Ghosh, the Investigating Officer, of Uluberia Police Station Case No.120 of 2023 dated 07.04.2023 was closed at Paniarah Police Station line from Uluberia Police Station. Another Sub-Inspector was appointed as the new Investigating Officer. The Inspector-in-Charge, Uluberia Police Station was asked to submit an explanation, which was not found

satisfactory. Therefore, the same has been endorsed to the Additional Superintendent of Police (Rural), Howrah Rural District for enquiry and detailed report. So far as the investigation of the cases is concerned, the Sub-Divisional Police Officer, Uluberia, Howrah would supervise and assist the Investigating Officer to submit the final report. If necessary, appropriate protection would be granted to the petitioner and her family members. All the accused in the present case under Section 302 of the Penal Code have been arrested.

I have heard the submissions of the learned counsels appearing for the parties and have perused the writ petition, the affidavit filed by the learned advocate on record of the petitioner and the report filed by the State.

It is an unfortunate and appalling that in spite of a direction upon the police to keep a strict vigil at the locale and to ensure that no breach of peace takes place, the local police authorities, particularly the Inspector-in-Charge, Uluberia Police Station and the Investigating Officer of the case did not take such directions seriously. No steps were taken in spite of a complaint made by the petitioner on 09.08.2023. These emboldened the private respondents to plan an attack on the petitioner and her family members on 28.08.2023. The aftermath is known.

So far as the investigation of the present case is concerned, it appears that all the accused have been arrested including a police constable belonging to another police station.

In view of the above, let the investigation of the murder case be done and/or continued by a competent Officer

expeditiously and in accordance with law and under the direct supervision of the Superintendent of Police, Howrah (Rural) District.

The investigation of the FIR dated 07.04.2023 shall also be investigated by the newly appointed Investigating Officer under the supervision of the Sub-Divisional Police Officer, Uluberia, Howrah expeditiously and in accordance with law.

For the protection of the petitioner and her family members, let the respondent authorities post a police picket of two police personnel, of whom at least one should be armed, near the house of the petitioner till submission of reports in final form in the two cases, for the present.

The petitioner shall be at liberty to make appropriate applications before the District Magistrate concern for some relief or compensation at least in respect of education of the minor child of the deceased, which shall be considered with promptitude and empathy.

The personal appearances of the Superintendent of Police, Howrah (Rural) District and the Inspector-in-Charge of the Uluberia Police Station of the Case are noted and dispensed with.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)