

S/L 20
22.8.2023
Court No.14
SD

WPA 18164 of 2023

Ratna Samanta (Roy Chowdhury)
Vs.
The State of West Bengal & Ors.

Mr. Tapan Dutta
Mr. Arnab Ray

...for the Petitioner.

Mr. Suddhadev Adak
Ms. Arpita Mondal

...for the State.

Mr. Angshuman Chakraborty
Mr. S.S. Saha

...for the Respondent Nos.5-8.

This is an application under Article 226 of the Constitution of India alleging police inaction in investigating Haridevpur Police Station Case No.157 of 2023.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was in family way when the private respondents, who happened to be her paternal relatives, assaulted her. As a result, she had to be immediately treated at a hospital. Immediately thereafter, the scan showed that the foetus suffered a haemorrhage. However, when another study was made after 52 days of the incident, things were found normal. Initially, an FIR was lodged under Sections 341, 323, 354 and 114 of the Penal Code. After the first report had come, it was the contention of the petitioner that Section 315 of the Penal Code should be added to the array of charges. After all an attempt to cause the foetus to die or suffer deformity would attract such provision. Even the subsequent report would not cure this.

Learned counsel appearing on behalf of the private respondents submits as follows. The initial report only suggested that there was a chorionic haemorrhage in the foetus. This relates to a haemorrhage at the placenta and can be caused due to any reason. No case is made out for adding Section 315 of the Penal Code. After submission of a charge sheet, the petitioner has already filed a protest petition before the learned trial court.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. After completion of investigation, a charge sheet was submitted under Sections 341, 323, 354 and 114 of the Penal Code. Section 315 of the Penal Code was not imputed in the charge sheet as the opinion of the medical board suggested that there was no injury or deformity in the foetus as visualized in the report.

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

It appears that the petitioner has already filed a protest petition in respect of the charge sheet submitted in the case started by her.

Therefore, the facts need not be gone into any further. Let the matter be decided by the learned trial court.

Learned trial court is requested to conclude the hearing of the protest petition as expeditiously as possible.

No further order need to be passed in this regard.

With these observations, WPA 18164 of 2023 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.)