

August 28, 2023
AD 23
Court No.14
SG

WPA 18385 of 2023

X (VICTIM)
vs.
The State of West Bengal and others

Mr. L. Vishal Kumar
Ms. Manaswita Mukherjee
... for the petitioner

Mr. Sk. Md. Galib
Mr. Abu Siddique Mallick
... for the State

Mr. Angshuman Chakraborty
Mr. S.S. Saha
... for the respondent No.9

This is an application filed by the victim lady for direction upon the respondent authorities to properly investigate Bishnupur Police Station Case No.35/2019 dated 11.01.2019 under Sections 448/354/376D/379/427/586 of IPC and Sections 25 and 27 of Arms Act.

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

Learned advocate for the petitioner submits that the petitioner's father had lodged the instant FIR after obtaining a direction under Section 156(3) of the Code of Criminal Procedure. This was not properly investigated by the investigating officer. A final report was filed on 22.03.2022. The de facto complainant thereafter filed a protest petition and the same was allowed. Even the revisional court affirmed it. Although the further investigation was initiated, nothing has come out till date.

The investigation is not being done properly despite the fact that the date of occurrence is 12.11.2018.

Learned advocate for the State relies on the report and submits that over the incident of the same date i.e. on 12.11.2018 the victim herself had lodged an FIR where she did not allege anything about the offence under Section 376D of the Penal Code. There she alleged commission of offence under Sections 448/323/379/427/506 of the Penal Code. However, the father of the petitioner lodged the instant case which, after his death, is now being continued by his daughter. The investigation is continuing and a report in final form would be filed at the earliest.

Learned counsel for the de facto complainant denies the allegations made on behalf of the petitioner. He submits that his client cooperated with the investigating agency. On the self-same cause of action, a second FIR was made and is being investigated.

I have heard the submissions of the parties and have perused the writ petition and report filed by the State.

It appears that the date of occurrence is on 12.11.2018. By now, at least the further investigation ought to have been completed.

Let the investigating agency conclude the investigation at the earliest and in accordance with law.

With the aforesaid observations, WPA 18385 of 2023 is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]