

09-02-2023
ct no. 13
Sl.29
sp

WPA 19339 of 2022

Priya Biswas

-Versus-

The State of West Bengal & Ors.

Mr. Arunava Ganguly

... for the petitioner

Affidavit of service filed in Court is taken on record.

The writ petitioner complains of alleged inaction on the part of the Chinsurah Police Station in respect of FIR being Chinsurah Police Station Case No. 334/2022, dated 01.07.2022 under Sections 417/376 of the IPC.

The petitioner complains that the incident occurred on May 28, 2022 and no FIR was registered despite the petitioner's complaint. Misconduct was found on the part of the Investigating Officer, SI P. Bikash by the CJM, Hooghly and the same came to be recorded in his order dated August 3, 2022. Thereafter, the Investigating Officer was changed and proceedings were drawn up by the Deputy Commissioner of Police, Chandannagar against said SI P. Bikash, imposing a punishment of 'censure'.

The allegations against SI P. Bikash are morefully available in the order of the ACJM concerned. The Investigating Officer was changed.

Attempts were made to arrest the accused Santanu Halder. The said Santanu Halder obtained anticipatory bail from this Court in CRM (A) 4079 of 2022 on 25.08.2022. The investigation appears to have been completed and charge sheet No. 336/2022 dated 31.08.2022 has been filed under Sections 417/376 of the IPC.

There is some force in the submissions of the learned counsel for the petitioner, that given the misconduct alleged against said SI P. Bikash, the punishment of “censure” imposed on him is inadequate.

In those circumstances, the petitioner being the victim and complainant, is granted liberty to approach the Appellate Authority against the order passed in disciplinary proceedings against said SI P. Bikash, by the Deputy Commissioner of Police, Chandannagar.

Let a copy of the order of the disciplinary authority against said SI P. Bikash be made available to the counsel for the petitioner by the Deputy Commissioner of Police, Chandannagar.

It is submitted by the Chinsurah PS that the charge sheet is fixed for committal on February 23, 2023.

With the aforesaid observations, the writ petition shall stand disposed of.

The instructions of the Inspector, Special Branch, CPC & In-Charge of Chinsurah PS dated 07.02.2023 is kept with the record.

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.)