

18 06.09.2023
NB Ct. 14

WPA 19314 of 2023

Mithu Bhattacharya
Vs.
The State of West Bengal & Ors.

Ms. Devi Priya Mitra.
...for the petitioner.

Mr. Suman Ghosh,
Mr. Sankha Prasad Roy.
....for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

It appears that while one envelope returned with the endorsement "cannot be located", the other one returned with the endorsement "refused".

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and the private respondent are both tenants at the said premises under the same owners. For some time the private respondent had been sexually harassing the petitioner. The incident that happened with the minor child of the petitioner was not mentioned in the FIR to avoid any further mental trauma to the child. The police have done a perfunctory investigation. They did not impute charges under Sections 354A and 354B of the Penal Code, although the same were clearly made out on the facts of the case. The private respondent, however, surrendered with the same address in respect of which despatch was returned with the

endorsement “address cannot be located” and prayed for bail. The investigating officer of the case did not oppose the bail prayer.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. No incident regarding the minor girl was ever mentioned either in the FIR or in the victim’s statement recorded under Section 164 of the Code. A charge sheet has already been submitted under Sections 341, 354 and 506 of the Penal Code.

It appears that a charge sheet has already been submitted in this case.

If the petitioner is aggrieved with the investigation, she shall be at liberty to file a protest petition before the learned Trial Court, which shall be considered in accordance with law.

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.)