

WPA 19774 of 2023

Mahammad Jakir

-vs-

State of West Bengal & ors.

Mr. Masum Ali Sardar

....for the petitioner

Ms. Shabana Hasin

Mr. Mobaidur Hossain

...for the respondent nos. 5 to 7

Mr. Ansar Mondal

Mr. Suddhadev Adak

...for the State

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

Learned counsel appearing on behalf of the petitioner submits as follows. The police is not properly investigating the First Information Report lodged by the petitioner. The petitioner is the brother of the respondent no.5, the prime accused in this case. The respondent nos. 6 and 7 are the other accused. The petitioner came across a WhatsApp chat between his sister and another to note a message by the sister that the two had committed the murder of the victim. Incidentally this refers to the death of the husband of the respondent no.5. The mobile phone was seized by the police authorities. Yet, investigation has not been conducted properly. He further prays for exhumation of the dead body for post mortem examination.

Learned counsel appearing on behalf of the private respondents submits as follows. This is a case where on

unsubstantiated evidence, a brother is proceeding against his own sister for the death of the sister's husband. This actually relates to a previous grudge that the petitioner had for his sister and also pertains to a property dispute.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The cause of death as given by the doctor is cardiac arrest. There was a belated FIR. However, the same was registered and is being investigated into. Necessary seizure has been done and statements are being recorded.

It is indeed a very exceptional case where a brother proceeds against his own sister for the death of the sister's husband. It is either a strong sense of justice and moral responsibility or any other extraneous circumstance that could have motivated the petitioner.

Be that as it may, once the FIR has been registered, the Investigating Officer has to investigate the same expeditiously and in accordance with law.

It appears from the report that investigation is being done in accordance with law.

As of now, it does not appear that a case has been made out for taking the extreme measure of exhumation of the dead body.

Therefore, no further order need be passed.

With these observations, the writ petition 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.)