

September 15, 2023
AD 25
Court No.14
SG

WPA 20351 of 2023

Golam Nabi Molla
vs
State of West Bengal and others

Mr. Kalyan Kumar Bhattacharya
Mr. Sukdeb Sardar
Ms. Rehsmi Khaun
... for the petitioner

Ms. Jhuma Chakraborty
Mr. Suddhadev Adak
... for the State

Mr. Suranjan Mandal
... for the respondent Nos.5, 6 & 8

Affidavit of service filed in Court is taken on record.

Despite service no one appears for the respondent
No.7.

A report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the uncle of the victim deceased. The private respondent Nos.5, 6 and 8 had been torturing the victim deceased in connection with dowry demand. This compelled her to commit suicide. However, no FIR was registered against the husband. The investigation has not been done properly.

Learned advocate for the private respondent Nos.5, 6 and 8 submits as follows. The allegations made in the writ petition are denied. At the relevant point of time the husband was staying and working abroad. There was no

allegation made in the FIR lodged by the petitioner against the husband.

Learned advocate for the State relies on the report and submits as follows. As the husband was staying abroad, he was not implicated in the FIR. Three accused were arrested. Charge-sheet has been submitted. From a plain reading of the FIR it does not appear that the petitioner had made any allegation against the husband of the victim deceased. In the recorded statement, it was stated that the husband had asked the accused not to inflict such torture. It is also submitted by the private respondents that the husband was not there at the relevant point of time.

So far as the allegations in respect of the husband of the victim deceased are concerned, there is no merit in the writ petition.

However, if the petitioner is otherwise aggrieved with the investigation of the case, he shall be at liberty to file a protest petition before the trial court.

No further order need be passed in this regard.

With these observations, the writ petition 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.]