

October 13, 2023
AD 7
Ct. No.14
SG

WPA 20541 of 2023

Monazza Tajuddin
vs
State of West Bengal and others

Mr. Dipanjan Chatterjee
Ms. Subhasree Patel
Ms. Pramita Banerjee
Ms. Saini Das
Ms. Saheli Mukherjee
Ms. Richa Pramanik
... for the petitioner

Mr. Anand Farmania
Mr. Supriyo Majumder
... for the State

Mr. Jayanta Narayan Chatterjee
Mr. Supreem Naskar
Ms. Jayashree Patra
Mr. Bhaskar Mondal
... for the respondent Nos.4-6

Mr. Tarique Quasimuddin
Mr. Md. S. Alam
... for the respondent Nos.7 & 8

Report filed by the State is taken on record.

Perused the case diary.

Learned advocate for the petitioner submits as follows. The investigation of the case is not going on properly. Although a charge under Section 307 of the Penal Code has been imputed in the FIR and the anticipatory bail application of the accused/husband has been rejected by the Sessions Judge, no effort has been made by the investigating officer to arrest him. The stridhan articles have not been returned.

Learned advocate for the State relies on the report and the case diary and submits as follows. Till now the investigating officer has not come across materials which would substantiate the imputation of a charge under Section 307 of the Penal Code. An attempt was made to arrest the accused/husband, but that could not be secured. Two attempts were made to seize the stridhan articles. For some reason or the other, the de facto complainant/petitioner had to go away and the proceeding could not be concluded. The entire process has been videographed.

Learned advocate for the respondent Nos.4 to 6 submits as follows. The allegations made in the writ petition are denied. There is no element of Section 307 of the Penal Code in the instant case. On the first date fixed for taking back the stridhan articles, the de facto complainant went away saying that it was the feeding time for her infant. On the second day she returned on the pretext that labourers were not available to take back the furniture.

Learned advocate for the respondent Nos.7 and 8 submits as follows. Both the respondents are married sisters-in-law of the petitioner. While the respondent No.7 is having a problem of a cyst, the respondent No.8 is a cancer patient.

From perusal of the case diary, it appears that the investigating officer has taken steps in investigating the case.

Let the petitioner cooperate with the investigating agency for taking back the stridhan articles. She shall give a clear twenty-four hours' notice to the investigating officer to effect the same. The entire process shall be videographed.

Let the investigating officer conclude the investigation expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]