

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 20631 of 2023
Uttam Mondal
Versus
The State of West Bengal & Ors.

For the petitioner : Ms. Afreen Begum

.....Advocate

For the State : Mr. Rajarshi Basu
Ms. Shehnaz Tareq Mina

.....Advocates

For the Respondent No.6 : Mr. Sandipan Ganguly Sr. Adv.
Mr. Dipanjan Dutt
Mr. Arkadeb Bhattacharya

.....Advocates

Heard lastly on : 11.12.2023

Judgment on : 11.12.2023

Jay Sengupta, J:

The application alleges police inaction in investigating a criminal case.

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

Perused the case diary produced on behalf of the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the father of the victim deceased and the de facto complainant of the case. The accused respondent had been torturing the victim for quite some time. There were number of cases registered in this regard. For the last six months, he was kept confined in the brick kiln owned by the private respondents. After the petitioner got information about the death of the victim, the FIR could be lodged. Initially, a charge sheet was submitted under Section 306 of the Penal Code, although the FIR was started under Section 302 of the Penal Code. This Court, by an order dated 19.09.2022, directed a further investigation to be conducted by a senior Officer to be appointed by the Commissioner of Police, ADPC. Although another Officer was engaged for investigation, but the outcome was same. Relevant evidence was either not collected or was overlooked.

Learned senior counsel representing the private respondent submits as follows. The story of the victim to be detained by the private respondent for the last six months before death did not even find a place in the First Information Report. The injuries on the dead body would clearly show that it was nothing, but a case of suicide.

Learned counsel appearing on behalf of the State relies on the report and the case diary and submits as follows. The investigation has been done by the present Investigating Officer being the Assistant Commissioner of

Police, Central-II, Asansol/Durgapur Police Commissionerate. Statements of witnesses were recorded, viscera report was collected and a statement of the doctor was also recorded. After the completion of further investigation, a supplementary charge sheet was submitted under Section 306 of the Penal Code.

It appears that the Investigating Agency has taken steps to conduct a further investigation and has already submitted a supplementary charge sheet.

Therefore, a bulk of grievances ventilated by the petitioner have already been redressed.

However, if the petitioner is still aggrieved with the outcome of investigation, he shall be at liberty to file a protest petition before the learned Trial Court, which shall be decided expeditiously and in accordance with law.

No further order need be passed in the regard.

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.)