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25.09.2023
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WPA 20980 of 2023

Ayatan Bibi
-vs-
State of West Bengal & ors.

Mr. Abhimanyu Banerjee
Mr. Arnab Saha
...for the petitioner

Mr. Wasim Ahmed
Mr. Sk. Md. Masud
...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 private respondents are influential people of the locality. They assaulted the petitioner's son so badly that he had to be put in the hospital for a very long time. In spite of the victim having suffered serious injury, a case was started only under Section 308 of the Indian Penal Code because the assailants were powerful and one of them was a civic volunteer. One of the miscreants has fled to Russia. The private respondents are now threatening the petitioner with dire consequences.

Learned counsel for the State relies on the report and submits as follows. One person has been arrested in connection with the case and is still in custody. Notices under Section 41A of the Code have been served against the

other accused. Actually the petitioner's son was driving a motorcycle with a pillion rider. The bike hit the father of one of the private respondents. He suffered serious injuries. Accordingly, an FIR was also lodged. Both the FIRs are being investigated in accordance with law.

It appears that two cases were started in respect of an incident. Both the cases are at the stage of investigation.

If the petitioner as the defacto complainant and mother of the victim is aggrieved with the outcome of the investigation or, for that matter, imputing a lesser charge in the FIR and the charge sheet, she shall be at liberty to file a protest petition before the learned trial Court.

In the meantime, let the investigation in both the cases be concluded expeditiously and in accordance with law.

As regards the apprehension of the petitioner about alleged threats given by the other side, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

In this regard, if an untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to intimate the Officer in Charge of the local police station who shall then act in accordance with law.

Since affidavits were not called for, allegations are deemed not to have been admitted.

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.)