

WPA 21098 of 2023

Asha Devi Modi
-vs-
The State of West Bengal & ors.

Ms. Priyanka Agarwal
...for the petitioner

Mr. Anirban Ray
Mr. Sk. Md. Galib
Ms. Sujata Ghosh
..for the State

This is an application praying for further investigation to be conducted by the Detective Department, Lalbazar or any other competent independent investigating agency.

Learned counsel for the petitioner submits as follows. The petitioner is the wife of the victim deceased. The petitioner's husband died on 08.05.2021 after leaving behind suicide note implicating several others. An FIR was lodged. But investigation was not completed for a very long time. This prompted the petitioner to approach this Court. By an order dated 14.11.2022 passed by this Court in WPA 13804 of 2021, this Court directed the investigation to be done by another officer of the same police station and to conclude the same positively within two months. Hurriedly, a perfunctory injunction was done and a final report was submitted mentioning it to be a mistake of fact. A protest petition was filed, which was allowed by a reasoned order dated 04.07.2023. By such order, the O.C. Manicktala Police

Station was directed to cause further investigation into this case with his subordinate officers other than the previous Investigating Officer. The same is continuing. However, the petitioner now apprehends that unless the investigation is conducted by the Detective Department or any other independent agency, justice would not be done.

Learned counsel appearing on behalf of the State relies a report, which is taken on record and submits as follows. The Investigating Officer is investigating further into the alleged offence. He has examined and recorded statements of witnesses and is exploiting every aspect of the case with diligence.

If the petitioner was aggrieved by the order directing further investigation, the same could have been challenged in revision. Furthermore, if the petitioner wanted that the investigation be done by CID or Detective Department or other independent Investigating Agency, then she should have approached this Court in stead of filing a protest petition.

Right now pursuant to a reasoned judicial order, further investigation is being conducted by an officer of Manicktala Police Station.

The petitioner has not been able to show any recent incident subsequent to the date on which her protest petition was allowed and further investigation was directed that would support her filing a writ petition for seeking further relief.

I therefore find no reason to interfere with the proceeding at this stage.

However, after filing of a report in final form by the Investigating Agency, if the petitioner is not satisfied with the outcome, she shall be at liberty to file appropriate application in this regard.

With these observations, the writ petition is disposed of without any costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)