

M/L 34
09.10.2023
Court No.14
SD

WPA 21550 of 2023

Imman Molla
Vs.
The State of West Bengal & Ors.

Mr. Sayan Banerjee

...for the Petitioner.

Mr. Amal Kr. Sen

Mr. Lal Mohan Basu

...for the State.

Affidavit of service filed by the petitioner is taken on record.

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

It is quite surprising to note that certain documents like the inquest reports by the police and the magistrate were not made available by the Investigating Agency to the medical board which was to give an opinion on the cause of death. The explanation given by the Investigating Officer that he had handed over all the documents that were sought by the experts is not quite acceptable.

However, the medical board has come to a finding that the observations noted in the Medicolegal Case Report of Khuchitalahat PHC dated 03.7.2023 and the post-mortem report does not match. They also found that the ligature mark as noted was most probably suggestive of the position of “knot” is on the right side. At the final conclusion, the medical report held that “*this observation is not corroborative and an explanation from autopsy surgeon is needed*”. At the end, the Board concludes that the cause and

manner of death of the deceased can be formed after the abovementioned limitations are fulfilled.

Earlier, it was recorded by this Court that there were apparent contradictions in the findings made in the post-mortem report and the inquest report that was the prime reason why opinion of the medical board was formed.

In view of the above, a clear case is made out for exhumation of dead body and a further post-mortem examination of the same.

It is also informed that a new Investigating Officer has been engaged to investigate into the offences alleged and has taken charge of the case.

Let the Investigating Agency take prompt steps for exhumation of the dead body and its post-mortem examination to be conducted by a competent doctor of the SSKM Hospital at the earliest, preferably within 10 days from this date, under the supervision of an Executive Magistrate. Let the entire process of exhumation of the body and the post-mortem examination be videographed.

The Superintendent of the SSKM Hospital shall take necessary steps in this regard and cooperate with the investigation.

With these observations, WPA 21550 of 2023 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.)