

December 14, 2023
AD 617
Court No.14
SG

WPA 21735 of 2023

Bhagwat Shah
vs.
The State of West Bengal and others

Mr. Rishav Singh
... for the petitioner

Mr. Somnath Ganguli
Mr. Balarko Sen
... for the State

Report filed by the State is taken on record. A copy of the same is handed over to learned advocate for the petitioner.

Learned advocate for the petitioner submits as follows. The petitioner is the father of the victim deceased and the de facto complainant in this case. On 13.03.2021 the petitioner's son had gone missing. A missing diary was lodged. On 21.03.2021 the dead body of the victim was found at the bank of river Hooghly. An FIR was lodged after much persuasion. A final report was filed in May, 2021. The petitioner filed a protest petition. The same was disposed of on 29.03.2023. Further investigation was allowed under a new investigating officer. Notices were sent. The petitioner was asked to furnish CCTV footage and the like. These are to be collected by the investigating officer himself. Without collecting a viscera report and other necessary documents, the charge-sheet had been submitted. Even now the investigation is not being done properly.

Learned advocate for the State denies the police inaction and submits that a thorough investigation is being done. CDR analysis of mobile phones of three accused as well as the deceased was done. Statements were recorded under Sections 161 and 164 of the Code. Friends of the said Sandip Shaw were interrogated. CCTV footages from different “ghats” were perused. However, the viscera report has remained pending, despite five reminders. The IMEI searching report is also pending before the detective department.

It appears that some steps have been taken by the investigating agency in unearthing truth. However, there is no reason why the viscera report and the IMEI analysis report would remain pending for so long.

The Director-cum-Senior, Chemical Examiner, State Forensic Science Laboratory is directed to provide expert’s opinion at the earliest, preferably within a month from the date of communication of this order.

ACP (DD) HPC shall also provide a report of the IMEI searching at the earliest, preferably within a period of one month from the date of communication of this order.

The investigating officer shall deal with all other evidence provided by the de facto complainant and his witnesses.

The investigating officer shall forthwith communicate the order to the ACP (DD) HPC and the Director of the SFSL.

Further investigation of the case shall be conducted by the investigating officer under the supervision of the DCP, North.

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.]