

WPA 22338 of 2023

Deepa Majumdar
Vs.
State of West Bengal & Ors.

Mr. Ranjan Kali
Mr. Mitul Chakraborty
Ms. Mili Saha
Ms. Payel Nath

...for the petitioner

Mr. Suman Sengupta
Mr. Sanatan Panja

... for the State

Further report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the mother of the victim lady. The private respondents are the husband and the other in-laws of the deceased. The victim was stabbed and thereafter fired at and she succumbed to such injuries. An FIR was registered being Chakdah P.S. Case No 237 dated 10.05.2023 under Sections 448, 326, 307 and 304 of the Penal Code and Sections 25 and 27 of the Arms Act. This was done at the behest of the husband of the victim. At that time the petitioner was staying elsewhere and was unaware of the facts. During the lifetime of the victim the private respondents had been inflicting torture on her. The investigation in this case is not being carried out properly. In fact, the other side is

trying to come up with a totally different version of the facts. A complaint was made by the petitioner, but was not acted upon by the police authority.

Learned counsel appearing on behalf of the State relying on a report and submits as follows. The case being Nabadwip PS Case No. 237 dated 10.05.2023 was lodged at the behest of the husband of the victim against one Anil Mahato. The said Anil Mahato was allegedly giving indecent proposals to the victim. After completion of investigation, Charge-sheet No. 383 dated 07.08.2023 was submitted against the said Anil Mahato, *inter alia*, under Section 302 of the Penal Code. After all these and after delay of about 3 months, the petitioner lodged the instant complaint on 26.08.2023 alleging that the private respondents were responsible for the death of the victim.

The petitioner has not been able to show any document that the victim during her lifetime made any allegations about torture against the husband and the in-laws.

It further appears that on the question of murder of the victim deceased, an investigation was done and after the completion of investigation, a Charge-Sheet has been filed, *inter alia*, under Section 302 of the Penal Code. Since an another complaint has been made by the petitioner. Let the same be taken to its logical conclusion.

However, as a victim in terms of Section 2(wa) of the Code of Criminal Procedure, being the mother of the deceased, the petitioner shall be at liberty to file a protest petition before the learned Trial Court.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)