

M/L 16
04.12.2023
Court No.14
SD

WPA 22640 of 2023

Moumita Dhal Nayek & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed
Mr. Arka Maiti
Ms. Gulsanwara Pervin
Mr. Arka Ranjan Bhattacharya
Ms. Salini Bhattacharya

...for the Petitioners.

Mr. Wasim Ahmed
Sk. Md. Masud

...for the State.

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's son committed suicide after being made to apologise by some other students. First, the FIR was not registered despite earnest request. Secondly, even after registration of the FIR, investigation is not being done properly. While Section 164 statement of a girl, present during offending act as contained in a video, was recorded but no such statement of the complainant was taken. The petitioner is yet to receive her son's postmortem report. The whatsapp chat as taken from petitioner's mobile phone and appended to the writ petition may be taken into consideration by the investigating agency.

Learned counsel appearing on behalf of the State relies on the report and the case diary and submits as follows. The allegation of police inaction in investigating the case is denied. A thorough investigation is being done. The mobile phone and the necessary footages were seized and relevant statements were recorded.

It appears that some steps have been taken by the Investigating Officer in investigating the case.

Let further investigation of the case be done under the supervision of Additional Superintendent of Police, Sundarban Police Station.

Let the investigation be concluded expeditiously and in accordance with law.

The Investigating Officer shall hand over a copy of the postmortem report to the petitioner within three days from this date.

With these observations, WPA 22640 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.)