

11 05.10.2023
NB Ct. 14

WPA 22950 of 2023
(via video conference)

Sudama Karmakar
Vs.
The State of West Bengal & Ors.

Mr. Kaustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar.
...for the petitioner.

Mr. Sk. Md. Galib, Sr. Govt. Adv.,
Mr. Tamal Taru Panda.
...for the State.

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

Learned counsel appearing on behalf of the petitioner submits as follows. Soon before the unfortunate death of the petitioner's daughter, the petitioner had a chat with her over telephone. She was absolutely fine then. A prima facie case has been clearly made out in the complaint dated 25.08.2023 submitted by the petitioner before the Officer-in-Charge, Bhowanipore Police Station to start an FIR. Only if an investigation is done, the true cause of death of the petitioner's daughter would be known.

Learned counsel appearing on behalf of the State submits that the investigation is at a very nascent stage.

It was earlier submitted by the State that preliminary enquiry was being conducted and CDR of mobile phone had been collected. It appears now from the further report that a specific FIR being Bhowanipore Police Station Case No.173

dated 22.09.2023 has been registered in this regard under Section 306 of the Penal Code.

As an FIR has already been registered in this regard, the prime grievance of the petitioner has already been redressed.

However, it shall be open to the petitioner to pray for investigation by the CID, if he is aggrieved with the investigation conducted by the present dispensation.

Let the Investigation Officer conclude the investigation expeditiously and in accordance with law.

No further order need be passed at this stage.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)