

01.12.2023
Sl. No. 31.
D/L.
Mithun
Ct.No.14.

WPA 23295 of 2023

Fazlur Rahaman Molla
Vs.
The State of West Bengal & Ors.

Mr. Fasiur Rahman Molla,
Mr. R. Sinha,
Mr. Sayan Sarkar

..for the petitioner.

Mr. Sumanta Das

...for respondent Nos.7 to 14.

Mr.Suman Ghosh,
Mr. Sankha Prasad Roy

...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. The petitioner is the
uncle of the victim deceased. The victim was working
as a mason in Orissa. He was travelling back along
with other masons in a bus. While in Purba Midnapur,
he purportedly fell down from the bus and received
serious injuries. The others brought him to the NRS
Hospital where he succumbed to his injuries. Later on,
it was learnt that the accused respondents had actually
pushed the victim from the bus which led to his death.
The victim had called up the family members and

informed about the other co-passengers heckling him during travel. Accordingly, an FIR was registered but investigation has not been done properly. The accused are roaming scot-free. No arrest has been effected. Now the petitioner is receiving threats from the private respondents to withdraw the complaint.

Learned Counsel for the private respondent Nos.7 to 14 and 16 denies the allegation and submits that it was only a case of accidental death.

Learned Counsel appearing on behalf of the State relies on a report as follows. After the FIR was registered, the Investigating Officer took all possible steps for investigating the case. The place of occurrence was visited and statements were taken. From the statements of the driver and conductor, it appears that the death was purely accidental in nature. There was no incident of any scuffle between the parties. The police shall file necessary report in this regard.

It appears that the police have conducted investigation of this case although they have not arrested the accused as yet.

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

If the de-facto complainant is aggrieved with the outcome of the investigation, he shall be at liberty to file protest petition.

Therefore, no further order need be passed at this stage.

The police shall keep sharp vigil near the residence of the petitioner and ensure that no breach of peace takes place.

With the above observations, the instant writ petition being WPA 23295 of 2023 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Jay Sengupta, J.)