

M/L 15
09.10.2023
Court No.14
SD

WPA 24050 of 2023

Md. Arman Ansari
Vs.
The State of West Bengal & Ors.

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

...for the Petitioner.

Mr. Wasim Ahmed
Sk. Md. Masud

...for the State.

Affidavit of service filed by 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 defacto complainant had clarified in his complaint that the victim girl was actually 17 years old and it was wrongly mentioned in the G.D. entry that she was about 18 years old. There are documents available to evince the same, but the police is not collecting the same. From the Section 164 statement of the victim recorded by the police it is clear that Section 376 of the Indian Penal Code should also be added. But, the same has also not been done.

Learned counsel appearing on behalf of the State denies police inaction and submits that if the petitioner is having any document regarding the age of the victim, he shall be at liberty to produce the same before the Investigating Officer.

It is surprising that although it is admitted by the Officer-in-Charge of the local police station that on 08.9.2023 after recovery of the victim girl, she was produced before the Chairman, Child Welfare Committee, Howrah, she was not dealt with as a juvenile so far as the charges in the FIR and/or the investigation is concerned. If a prima facie case is made out that the victim was a child, appropriate section and provisions should be incorporated in the case.

The Investigating Officer shall also carefully look into the statement made by the victim under Section 164 of the Code of Criminal Procedure.

Let further investigation be done by a lady officer of the rank of an Inspector of Police under the direct supervision of the Commissioner of the Howrah Police Commissionerate.

The police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and no harm is done to the alleged victim.

With these observations, WPA 24050 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.)