

08.02.2023
Court No.13
Item No.1
AP

WPA 24763 of 2022

**Sudeb Ghosh and Ors.
Vs.
The Union of India and Ors.**

Mr. Krishan Ray
Mr. Apurba Ghosh
Ms. Esha Banerjee
Mr. Anindya Ghosh

... For the Petitioners.

Mr. Arun Kumar Maiti
Mr. Somnath Adhikary

... For the Respondent Nos.1 & 2.

Mr. Billwadal Bhattacharyya
Mr. Debasish Tendon

... For the NIA.

The I.C., N.S.C.B.I. Airport Police Station, Bidhannagar Police Commissionerate is personally present in Court. He has filed a report dated 8th February, 2023 and the same is taken on record.

Let a copy of the report be handed over to the learned counsel for the petitioners.

By an order dated 13th January, 2023 this Court had directed the N.S.C.B.I. Airport Police to register FIR immediately and to start enquiry irrespective of any formal sanction coming from the Central Government. The Central Government had also stated on that day that they have no objection to the FIR being registered.

The order was communicated to the I.C., N.S.C.B.I. Airport Police Station, but FIR has not been registered till date. I.C., N.S.C.B.I. Airport Police Station was not even represented on 1st February, 2023.

This Court notes with deep anguish, the failure on the part of the I.C., N.S.C.B.I. Airport Police Station to comply with the orders of this Court.

The I.C., N.S.C.B.I. Airport Police Station submits that he was not clear about the order. It is also submitted that the copy of the order was not made available to him.

The order is available on the website of this Court. The I.C., N.S.C.B.I. Airport Police Station should have contacted their legal advisers or the law department of the police to ascertain the scope and purport of this Court's order. This Court finds casual omissions on the part of the I.C., N.S.C.B.I. Airport Police Station that requires to be inquired into. The Commissioner of Police, Bidhannagar Police Commissionerate shall cause an inquiry in the matter forthwith and take necessary action as may be prescribed under the relevant rules.

A copy of this order be sent to the Commissioner, Bidhannagar Police Commissionerate for necessary action.

This Court stops short of issuing rule of contempt since a UD case has already been registered by the police. It is standard practice that after discovery of unnatural death UD cases are registered as a matter of course by the police. When somebody, on behalf of the victim, lodges a complaint as regards foul play and there are cognizable offences disclosed, police should register an FIR in terms of the dicta of the Supreme Court and as registered repeatedly by this Court.

In the instant case, there is a specific direction on the I.C., N.S.C.B.I. Airport Police Station to do so, which has not been done till date.

The I.C., N.S.C.B.I. Airport Police Station submits that he shall register FIR in course of the day. Let the same be registered. Enquiry into the FIR be completed as expeditiously as possible. All relevant materials shall be ascertained and collected. The assistance of the Indian High Commission at Kuala Lumpur, shall also be obtained.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)