

Form No. J

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

WPA 25338 of 2022

Lakshman Mondal @ Laxman
-vs-
The State of West Bengal & Ors.

For the Petitioner : Mr. Angshuman Chakraborty

For the State : Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas

Heard on : 14.07.2023

Judgment on : 14.07.2023

Jay Sengupta, J.:

The present application was filed with a prayer to trace out the petitioner's daughter who had gone missing from the rental accommodation of her husband.

Report filed by the State in a sealed cover is taken on record. A copy

of the order dated 12.07.2023 passed by the learned ACJM, Baruipur as filed by the State is also taken on record.

Learned counsel appearing for the petitioner submits as follows. This Court had earlier directed a truth serum test and narcotic test to be conducted on the prime accused who is in judicial custody at present. Yet, the learned ACJM, Baruipur in a rather casual manner did not even care to fix a specific returnable date for filing a report.

Learned counsel appearing for the State submits as follows. The State had also made a prayer for addition of Section 302 read with Section 201 of the IPC in the case. However, to the utter surprise of the State authorities, the learned ACJM passed the following order - "It shall not be just and proper to pass any order on holiday i.e., today. Accordingly let the prayer of the IO for adding Section 302/201 IPC submitted today be kept with the record as mere intimation to this Court. To 05/07/2023 for intimation to the accused. To 26.07.2023 for hearing regarding the prayer of the IO for cancellation of bail." It is very unfortunate that while the investigating agency is trying to the best unearthen truth and have been able to recover the skeletal remains of the dead body pursuant to the statement made by the accused, the learned Judicial Magistrate keeps on delaying the matter by fixing longish dates.

I have heard learned counsels for the parties and have perused the report of the State and the order dated 12.07.2023 passed by the

learned ACJM.

In view of the exigency, not only did the learned Magistrate fix an unnecessarily long date on 12.07.2023, but she also failed to properly deal with the prayer for polygraph test of the accused.

The learned Magistrate ought to have fathomed the gravity of the situation and proceeded in more prompt manner.

In view of the above, I direct the learned Magistrate to pre-pone the next date to any date in the next week and consider the prayers made by the investigating agency on the date fixed upon giving notice to the accused.

With the above observations, the writ petition is disposed of accordingly.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)

Sayandeep