

17-04-2023
ct no. 13
Sl.29
pk

WPA 26725 of 2022

Arup Kumar Das
-Versus-

The State of West Bengal & Ors.

Mr. Sabyasachi Mukherjee,
Mr. Bibek Dey,
Mr. Syed Neaz Ahmed.

....for the petitioner

Mr. Subhabrata Datta,
Mr. Banibrata Datta.

...for the State

Mr. Subhrangshu Panda,
Ms. Ina Bhattacharya,
Ms. Mithu Singha Mahapatra.

...For the respondent nos.6 to 11.

1. The petitioner is aggrieved by investigation into FIR No.240 of 2022 dated 29th September, 2022 under Sections 341/323/324/379/114 of the Indian Penal Code registered by Bhawanipore Police Station against the private respondents.

2. The petitioner complains that the investigation has not progressed till now and the weapons used for inflicting injury on the petitioner have not been seized yet. It is also alleged that Section 307 of the Indian Penal Code should have been included in the FIR.

3. Mr. Datta, Counsel for the State submits that the investigation is on and the injury reports as of now do not attract Section 307 of the IPC.

4. Counsel for the private respondents submits that they have also complained against the petitioner of assault arising out of the selfsame incident. FIR has been registered.

5. This Court is disappointed that the investigation has not been completed till now. The offending weapons have not been seized yet.

6. It is therefore ordered that the investigation into the subject FIRs be completely mandatorily and positively within a period of one month from date. All necessary seizures shall be made and the additional Sections may be included in the FIR, if there is sufficient evidence found in the same. Delay into the investigation must, however, be reviewed by the Joint Commissioner of Police (Crime), Kolkata.

7. The Office of the Joint Commissioner of Police (Crime) shall call for the case diary and scrutinize the reasons for delay in investigation and take appropriate measures in that regard.

8. The petitioner shall communicate this order to the Joint Commissioner of Police (Crime), Kolkata immediately.

9. With the aforesaid observations, the instant writ petition shall stand disposed of.

10. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)