

WPA 25924 of 2023

Jiyaul Rahaman
Vs.
The State of West Bengal & Ors.

Ms. Sanjukta Samanta
...for the petitioner

Mr. K. J. Yusuf
Mr. Parikshit Goswami
... for the State

Affidavit of service filed on behalf of 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 petitioner's minor daughter was abducted. The police was intimated, but no prompt action was taken. Even after the girl was recovered, the Investigating Officer started manipulating her mind and threatened her. Consequently, she gave an incomplete version before the learned Magistrate while recording her statement under Section 164 of the Code. The petitioner and his family members are still in the apprehension that some harm may be done to them by the accused.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegations made against the police personnel are denied. The victim girl was recovered on 03.10.2023. She was produced for medical examination on 14.10.2023, but her mother refused the same. Her statement was also recording under Section 164 of the Code. There was no question of any police influence there.

It appears that an investigation is going on into the alleged offence and some steps have been taken by the Investigating Agency including offering medical examination of the victim, recording statement of witnesses and recording statement of victim under Section 164 of the Code. In her 164 statement the victim did not allege any wrong doing by the accused.

In view of the above, let the investigation of the case be conducted in accordance with law, albeit under the supervision of the SDPO Ranaghat, Barasat police district. Let the investigation be concluded expeditiously and in accordance with law.

However, it shall be open to the victim, through a guardian, to pray before the learned Magistrate for recording of further statement under Section 164 of the Code. In such event, the learned Magistrate shall not be swayed by any observation made by this Court.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)