

28.11.2023
Sl. No. 20.
D/L.
Mithun
Ct.No.14.

WPA 26469 of 2023

Ahammed Hossein
Vs.
Union of India & Ors.

Mr. Jayanta Narayan Chatterjee,
Mr. Supreem Naskar

..for the petitioner.

Ms. Pinaki Ranjan Chakrabarty,
Mr. Tirtha Pati Acharyya,

...for the Union of India.

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag

...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. It has para wise comments on the writ
petition.

Learned Counsel appearing for the petitioner
submits as follows. The petitioner is the brother of the
victim deceased. The victim used to sell electronic
goods and other articles as a vendor in the Haldia
Dock complex. On the fateful day he entered into the
shipyard. However, his dead body was found inside a

foreign ship. No proper investigation was done regarding the cause of his death. The Post Mortem report is suspect. While some of the internal organs were found to have been crushed, some others were not. The ship was allowed to go without arresting anyone. In these circumstances, an independent Centralized Agency would be the best officer to conduct the investigation. The State has also not responded to the question of compensation raised by the petitioner.

Learned Counsel appearing on behalf of the State relies on the report and submits as follows. The victim was recorded as a Khalasi in the records of the dock in the relevant period. Other statements of witnesses do support that he was acting as a vendor of electronic goods. On the particular date he did go to that foreign ship after recording his name in the log book. After getting no buyer in the ship, he wanted to go to the other foreign ship that was docking through a gang way. At that time rain came and the personnel of the ship decided to close the two hatches, which had been opened for unloading goods. There was too much noise. After the hatch No.3 was closed, the hatch No.5 was also closed. Then it was found that the victim had got struck between the gate of hatch

No.3. It was immediately opened. The body fell. Effort was made to revive the victim, but it seemed that he had died. Injuries in the photographs and statement of witnesses corroborate the post mortem report. There was a delay on the part of the complainant to lodge First Information Report. However, after the First Information Report was lodged, investigation was carried out. Forensic examination was done of the ship. Photographs were taken. Relevant witnesses including the personnel of the ship were examined. Although there was no CCTV footage inside the ship, there was one berth at No.4A, footage was collected from it and from that of the main gate. They have been sent to the FSL for necessary tests. However, the camera did not cover the area where the incident allegedly took place. The investigation is continuing.

I heard the learned Counsel for the parties and perused the photographs of the victim, the typed copies of statements of witnesses, sketch map and the post mortem report.

It does not appear that investigation in the case is not being done properly. Statements of witnesses including those of the personnel manning ship were

recorded. Available CCTV footages were collected and sent for forensic test.

No apparent contradiction is seen between the photographs of the victim and the Post Mortem report.

In view of the above, let the investigation be continued by the Investigating Officer, albeit under the supervision of the Superintendent of Police, Purba Midnapur.

Let the investigation be done expeditiously and in accordance with law.

The petitioner shall be at liberty to make a representation before the Appropriate Authority of the State for seeking compensation in respect of the unfortunate death.

No further order need be passed at this stage.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Jay Sengupta, J.)