

December 1, 2023
AD 8
Court No.14
SG

WPA 26672 of 2023

Nasima Banu
vs.
The State of West Bengal and others

Mr. M. Rahaman
Ms. M. Rahaman
Ms. I. Rahaman
... for the petitioner

Mr. Suman Ghosh
Ms. Munmun Tewary
... for the State

Affidavit of service filed in Court is taken on record.
It does not appear that the accused/private respondents
could be served with notice.

However, this is a case of police inaction and the
State is represented.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as
follows. The petitioner's father was mercilessly assaulted
by some miscreants. Soon thereafter he succumbed to
such injuries. Initially a case was started, inter alia,
under Sections 307/326 of the Penal Code. Even after
the death occurred, no charge was added under Section
302 of the Penal Code. The investigation is not being
done properly. The miscreants and their associates are
constantly threatening the petitioner to withdraw the
case. It has become very difficult for the petitioner to stay
at her own residence.

Learned advocate for the State relies on the report and submits as follows. After the death of the victim, the police initially prayed for addition of charge under Section 304 of the Penal Code. However, after going through the post-mortem report and other evidence, they have prayed for addition of charge under Section 302 of the Penal Code and the same has been added. The investigation is being done diligently. One accused has already been arrested.

It is a little odd that the investigating agency had to change its stand from making a prayer for addition of charge under Section 304 of the Penal Code to a charge under Section 302 of the Penal Code. However, the same has already been done.

Let the investigation of the case be concluded expeditiously and in accordance with law under the direct supervision of the Deputy Commissioner of Police, Malda Headquarter.

To ensure safety and security of the petitioner and her family members, the police shall take necessary steps. The police shall explore the need and the possibility of posting a police picket in front of the petitioner's house for some time. The vigil to be kept by the police shall include frequent visits by police patrols at the area.

If any untoward incident occurs or is apprehended by the petitioner, the petitioner shall be at liberty to inform the Officer-in-Charge of Pukhuria police station

about the same who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]