

23
14.06.2023
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

WPA 497 of 2023

Aleya Bibi
-versus
The State of West Bengal & ors.

Mr. Swarup Das
Mr. Abhishek Singh
Mr. Bikash Roy
...for the petitioner
Mr. Subir Kumar Saha
Mr. Momenur Rahman
...for the State

This is an application under Article 226 of the Constitution of India alleging police inaction in investigating the case in Dinhata Women Police Station Case No. 21 of 2022 under Sections 448, 341, 323, 427 and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the aunt of the victim girl in question aged about 13 years. She lodged an FIR on 20.03.2022. Although some witnesses were examined, till date the accused could not be apprehended. The accused are roaming around near the victim's house and often threatening the victim to withdraw the case. Out of fear, the victim could not even go to her school. In spite of making complaint, no

effective steps have been taken by the Investigating Agency till date.

Learned counsel appearing on behalf of the State submits that the accused are absconding and could not be arrested in spite of raids. As the concerned officer was present in Court, she was asked about whether she could obtain the mobile phone numbers and other identity documents of the accused, she answered in the negative.

It is unfortunate that in such a serious matter, in spite of allegations of subsequent threates given by the accused to the minor victim, no effective steps could be taken by the police. The Investigating Agency could not even provide security to the victim. Although a case was started more than a year ago, till date even a charge-sheet could not be submitted.

This Court deprecates the casual manner in which such serious allegations have been dealt with.

In view of the above and in the interest of justice, I direct that the further investigation in this case shall be conducted by the SDPO, Dinhata, Coochbehar under the direct supervision of the Superintendent of Police, Coochbehar.

The Officer in Charge of the local police station shall deploy one police constable at the residence of the victim girl for ensuring the security of the victim and her family members. This arrangement for protection shall

continue till of the accused are arrested or the question of their bail is settled, whichever is earlier.

With these observations, the writ petition is disposed of.

The personal appearance of the Investigating Officer is noted and is dispensed with.

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

(Jay Sengupta, J.)