

08-08-2023
Court No.2
Sh/90.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.P.A. 1312 of 2023

**Sujata Shankar
-Vs-
State of West Bengal & Ors.**

Mr. Kunaljit Bhattacharya,
Mr. Alok Sah.

..For the Petitioner.

Mr. Subir Kumar Saha, AGP,
Ms. Bedashruti Bose.

.. For the State.

Written instruction submitted on behalf of the
State respondents is taken on record.

It is submitted on behalf of the petitioner that the petitioner lodged a complaint against the 6th respondent before the Inspector-in-charge, Sadar Police Station, Darjeeling on 28th November, 2022 alleging that the 6th respondent advanced indecent proposal towards her over telephone with an ulterior motive. The petitioner complains that FIR was registered on the basis of the said complaint under Section 354D of the Indian Penal Code without invoking the provision of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989.

The petitioner submitted a representation before the Superintendent of Police, Darjeeling on 13th January, 2023 requesting investigation on the complaint lodged by her.

Placing reliance on the written instruction submitted by the Inspector in Charge, Sadar Police

Station, Darjeeling, learned counsel for the respondents submits that the complaint lodged by the petitioner has been registered as Sadar Police Station Case No. 128/2022 under Section 354D of the Code on 28th November, 2022 and investigation of the case is in progress.

Without going into the merits of the case, this Court is inclined to hold that since the representation submitted by the petitioner before the Superintendent of Police, Darjeeling is pending, the State authority be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 13th January, 2023 in connection with Sadar Police Station Case No.128/2022 within two weeks from the date of communication of this order and take necessary consequential steps pursuant to the same, in accordance with law.

The authority shall grant opportunity of hearing to the petitioner along with her authorized representative, if any, in course of consideration of the representation.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observation and direction, the writ petition being WPA 1312 of 2023 is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

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

(Suvra Ghosh, J.)