

01-09-2023
Court No.2
Sh/11.

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

W.P.A. 1700 of 2023

**Chakina Bibi.
-Vs-
The State of West Bengal & Ors**

Mr. Partha Pratim Sarkar,
Mr. Sandip Guha Roy.

..For the Petitioner.

Mr. Hirak Barman.
Mr. Momenur Rahaman.

For the State.

Affidavit of service filed today in Court is taken on record.

The grievance of the petitioner in this writ petition is that, out of inter villagers fight and quarrel which occurred on April 27, 2023, the relevant incident has happened as alleged in the First Information Report (in short FIR). The petitioner went to lodge FIR at the jurisdictional police station at Dinhata, District Cooch-Behar.

The petitioner contends that her husband and brother-in-law were brutally attacked along with other family members and the FIR was not allowed to be registered by the jurisdictional police station. The petitioner moved before the jurisdictional criminal Court under Section 156(3) of the Code of Criminal Procedure (in short Cr.P.C.), 1973. The order was passed on May 17, 2023 and pursuant thereof the FIR was registered on June 17, 2023. The petitioner contends that even then the necessary statements

under Section 161 and 164 of the Cr.P.C. were not recorded and there was a complete inaction on the part of the police authority to proceed with the relevant enquiry. Hence this writ petition.

Mr. Hirak Barman, learned State counsel appearing for the respondent nos.1 to 4 referring to page 41 to the writ petition submits that jurisdictional police authority has already *suo motu* registered an FIR on the self-same incident. The necessary case diary has also been prepared and is lying with the concerned Investigating Officer. Learned State counsel further submits that statement under Section 161 of the Cr.P.C. has also been recorded. He submits that some of the accused are absconding and for some of the accused the prayer for bail was rejected by the jurisdictional criminal Court. He further submits that the FIR ultimately allowed to be registered on behalf of the petitioner and has been tagged by the jurisdictional police authority with the case diary *suo motu* initiated by them. Hence at the time of filing charge sheet the charges will be framed accordingly. Learned State counsel also submits that investigation is in progress.

Considering the submissions made on behalf of the parties and considering the materials on record this Court directs the jurisdictional police authority to proceed expeditiously with the investigation and complete the same and file the charge sheet and place the same before the jurisdictional criminal Court positively within a period of four months from the date of communication of this order.

Upon receiving the charge sheet the jurisdictional criminal Court is requested to proceed with the matter strictly in accordance with law as expeditiously as possible and if the trial commences the same is expected to be concluded within a period of one year from the date of submission of the charge sheet before the jurisdictional criminal Court

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition being **WPA 1700 of 2023 stands allowed and disposed of**, without any order as to costs.

The report signed by the Inspector-in-Charge, Dinhata police station, Cooch-Behar dated August 6, 2023 filed in Court today is taken on record.

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

(ANIRUDDHA ROY,J.)

