

28.11.2023
Sl. No.3
srm

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

W.P.A. No. 2512 of 2023

Nishikanta Barman

Vs.

The State of West Bengal & Ors.

Ms. Suman Sehanabis (Mandal),
Mr. Salok Sah

....for the Petitioner.

Mr. Subir Kumar Saha,
Mr. Momenur Rahman

.....for State-respondents.

Affidavit-of-service is taken on record.

The petitioner alleges that despite having registered an FIR, the Inspector-in-Charge, Mathabhanga Police Station, Cooch Behar, failed to conduct the investigation in accordance with law. Some of the accused persons are yet to be apprehended and the investigation has not progressed. The complaint was lodged by the petitioner on January 26, 2023 and the investigation is dragging.

Records reveal that Mathabhanga Police Station Case No.45 of 2023 dated January 27, 2023 under Sections 306 and 34 of the Indian Penal Code was registered.

The petitioner submits that the police authorities be directed to take expeditious steps and conclude the investigation in a free and fair manner.

Mr. Rahman, learned Advocate for the State-respondents has filed a report prepared by the Inspector-in-Charge, Mathabhanga Police Station, which indicates that pursuant to registration of Mathabhanga Police Station Case No.45 of 2023 dated January 27, 2023 under Section 306 and 34 of the Indian Penal Code, Sub-Inspector Biplab Barman was designated as the Investigating Officer. The said Investigating Officer visited the place of occurrence and prepared a rough sketch map with index, recorded the statements of witnesses under Section 161 of the Code of Criminal Procedure, collected documents in respect of Mathabhanga PS UD case No.08 of 2023 dated January 26, 2023 from the enquiry officer. The suicide note was also obtained. Documents were seized under proper seizure list. Post mortem report was also received. The cause of death was indicated in the report as death by hanging and the injury was suicidal in nature. The suicide note was written in Bengali. Further investigation continued. Binota Das, the widow of the deceased was questioned by the police authorities. She gave her statements under Section

161 of the Cr.P.C. In order to verify the handwriting on the suicide note, the document was sent to the Director, Questioned Document Examination Bureau of CID Kolkata. Result of the examination was received on July 26, 2023 and it was opined that the standard writings marked SI to S3 (Handwriting of deceased in a diary) and the disputed writings marked Q1 (Suicide note of deceased) were of one and the same person.

On the basis of the evidence collected, a raid was conducted and two of the accused persons, namely, Shib Shankar Das and Litan Das were arrested. Himangsu Das was absconding from the locality in order to avoid arrest. Thereafter, Himangsu surrendered before the Court of the learned Additional Chief Judicial Magistrate, Mathabhanga on October 17, 2023 and he was released on bail.

Under such circumstances, this Court is of the view that the police authorities have taken steps in the progress of the investigation. The other two FIR named persons who were arrested, were also released on bail.

It is made clear that in the event the investigation is yet to be completed, the same must be completed in an expeditious manner and the final result of the

investigation shall be intimated to the jurisdictional court, within a period of two weeks, if not already done.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)