

27.02.2024
Item No.22
Ct. No. 238
AKG

WPA 86 of 2024
XXX (Victim's Mother)
Vs.
The State of West Bengal & Ors.

Ms. X
Mr. Snehansu Majumder
Mr. Amal Kr. Sen,
Mr. Tapas Kr. Dey

... Petitioner in person
...for Respondent No. 8.
...for the State

The petitioner, mother of a victim girl, lodged a complaint which was registered as Hanskhali PS Case No. 536/23 under Section 363/365/354B/376/511/34 of the Indian Penal Code and Section 08/12 of the POCSO Act, 2012.

It has been alleged by the petitioner that a charge-sheet has been filed against the accused persons without implicating respondent no. 7.

It is the grievance of the petitioner that respondent no. 7 has not been implicated by the investigating agency with an oblique motive. The petitioner also alleges that the petitioner, his daughter and other family members are being threatened by the accused persons so that they cannot depose before the trial court.

The report filed by the State suggests that respondent no. 7 was not even FIR named.

The statement of the victim girl under Section 164 of the Code of Criminal Procedure recorded by the learned Magistrate also does not indicate any complicity of respondent no. 7 in the alleged offences.

The petitioner is at liberty to take steps in accordance with the provisions of the Code of Criminal procedure, 1973 before the Trial Court.

The witness protection is a vital aspect of dispensation of criminal justice. The witnesses should be allowed to depose before the Court without any fear. The relevant police shall ensure the safety and security of the witnesses of the case so that they can depose before the trial Court without any fear.

Accordingly, **WPA 86 of 2024** is disposed of.

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

(Kausik Chanda, J.)