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03.04.2024
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Ct 14

WPA 84 of 2024

Tohida Bibi
-vs-
The State of W. B. & ors.

Mr. Sachit Talukdar
Mr. Karan Bapuli

....for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Ritesh Ganguly
...for the State

Report filed on behalf of the State is taken on record.

A copy of notice under Section 160 of the Code of Criminal Procedure served on the petitioner on 07.01.2024 is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the defacto complainant of the case and the mother of the victim deceased. His daughter was given in marriage about 3 years ago. The husband and the in laws tortured her. Finally on 04.10.2023, the petitioner received an information that the daughter had passed away in the matrimonial home. After reaching the matrimonial home on the next date, it was found that the daughter had already been buried. A compliant was made before the police which was registered as an FIR being Mandir Bazar PS Case No. 485 dated 20.10.2023 under Sections 498A, 304B, 302 and 34 of the

Indian Penal Code. Although the dead body was exhumed and the post mortem examination held, no further investigation has taken place. Even the petitioner and her relatives were not examined as witnesses. Nor were relevant documents seized. It is only after filing this writ petition that a notice has been sent by the Investigating Officer under Section 164 of the Code. Threats are also being given to the petitioner and her family members. No copy of the post mortem report was made available to the petitioner despite request to the hospital.

Learned counsel appearing on behalf of the State relies on the report and submits that investigation is going on in full swing. Witnesses have been examined. Most importantly, after exhumation a post mortem examination was done.

It is true that the body was exhumed and a post mortem examination was done. However, the Investigating Officer needs to explore all possibilities of obtaining evidence. But, it appears that at least after filing of the writ petition, a notice has been sent to the petitioner under Section 160 of the Code.

Let the investigation of the case continue under the supervision of the SDPO, Mandir Bazar. Investigation shall be concluded expeditiously and in accordance with law.

Let the Investigating Agency hand over a copy of the post mortem report to the petitioner at the earliest.

The police shall also keep a sharp vigil near the residence of the petitioner and ensure that no breach of

peace takes place.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)