

May 3, 2024
AD 1324
Ct. No.14
SG

WPA 159 of 2023

Fatema Bibi
vs.
The State of West Bengal and others

Mr. Bidhayak Lahiri
Ms. Bhaswati Lahiri
Ms. Rinku Pachhal
... for the petitioner

Mr. Wasim Ahmed
Mr. Sanatan Panja
... for the State

Learned counsel for the petitioner submits as follows. The petitioner is the mother of one Abdul Rahaman Tarafdar. One day, the police personnel claiming to look for her son barged into the petitioner's residence at the dead of night, rummaged and destroyed articles and tortured the inmates. At that time, the petitioner's son was not at home. The police personnel could not have come into the petitioner's residence at the dead of night and without being accompanied by women officers.

Learned counsel for the State relies on the report and submits that the petitioner's son Abdul Rahaman Tarafdar is a history-sheeter. Earlier, Rahara PS Case No.198 dated 27.05.2021 under Section 25 Arms Act and Titagarh PS Case No.419 dated 24.06.2021 under Sections 399/402 IPC were started against him. A prosecution had to be made under Section 110 of the

Code against him. In another case, an order of proclamation had to be issued against the said miscreant. The present search was conducted in respect of Rahara PS Case No.218 dated 26.06.2022 under Sections 399/402 IPC and 25/27 Arms Act and Section 4 of the ES Act. It is denied that the petitioner was tortured or any article was damaged when the police personnel visited the petitioner's residence.

There is no bar in criminal law to hold raids to arrest the accused at night, especially absconding ones. Here, the accused was a male person, so there was no requirement for the raiding party to have a female member.

The allegations made by the petitioner are not supported by any medical document or photograph or video recording or the like. Merely on the basis of bald assertions, protection cannot be granted in favour of absconding accused.

Therefore, I do not find any merit in this application.

Accordingly, the writ petition is dismissed, however, without any order as to costs.

Parties shall act on a server copy of this order duly downloaded from the official website of this Court.

[Jay Sengupta, J.]

