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08.02.2024
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Ct 14

WPA 519 of 2024

Mst. Nasima Banu

-vs-

The State of West Bengal & ors.

Mr. Mohinoor Rahaman

Ms. Maria Rahaman

...for the petitioner

Mr. Sabyasachi Chatterjee

Mr. Omar Faruk Gazi

Ms. Susmita Das

Ms. Bidisha Das

...for the respondent nos. 6, 9 & 15

Mr. Suman Ghosh

Mr. Sankha Prasad Roy

...for the State

Ms. Minoti Gomes

Mr. M. Ghosh

Ms. Dona Sanyal

...for the respondent nos. 16, 17

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's father was done to death by the private respondents. By an earlier order dated 01.12.2023 passed by this Court in WPA 26672 of 2023, investigation was directed to be concluded expeditiously and done under the supervision of Deputy Commissioner/Superintendent of Police, Malda Headquarters. Despite this, no serious steps have been taken during investigation. It was only after this 2nd writ petition was filed that two eyewitness being the complainant and the brother of the present petitioner was examined under Section 164 of the Code. Only one accused has yet

been arrested. Other accused are moving freely in the locality. The police are unnecessarily waiting and not submitting charge sheet so that the accused already arrested can get statutory bail.

Learned counsel appearing on behalf of the respondent nos. 6, 9 and 15 submits that it is not at all a case of homicidal death. From the post mortem report, it appears that the same could be due to a fall or occasioned by a heart attack.

Learned counsel appearing on behalf of the private respondent nos. 16 and 17 submits that her clients were at the school at the relevant time. Such plea of alibi could be explored by the Investigating Agency. It is actually a matter that is to be decided during trial, if the same ensues.

Learned counsel appearing on behalf of the State relies on the report filed earlier and the case diary and submits as follows. The complainant and another purported eyewitness have been examined under Section 164 of the Code. Out of 13 accused, 4 have already been arrested. Investigation is going on. Prayer has been made for issuance of warrant of arrest against the absconding accused. Report in final form shall be submitted very soon.

It appears that substantial part of investigation has already been concluded. It is not necessary to arrest all the accused in order to file a charge sheet.

Let the investigation be concluded expeditiously and in accordance with law.

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.)