

January 17, 2024
AD 8
Ct. No.14
SG

WPA 934 of 2024

Subhashis Dutta
vs
The State of West Bengal and others

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Bidisha Das
Ms. Susmita Das
Mr. Dipankar Das

... for the petitioner

Mr. Ansar Mondal
Mr. Asish Dutta

... for the State

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the father of a young girl who had gone to do MRI at the Institute of Neurosciences Kolkata. Due to negligence of the hospital authorities the petitioner's daughter died. Complaints were made before the West Bengal Clinical Establishment Regulatory Commission. The Commission held that the hospital authorities were indeed liable. Since the police authorities did not register any FIR, the petitioner was constrained to file an application under Section 156(3) of the Code. Several dates went past. In spite of seeking a report from the police, the police have not filed any report.

Learned advocate for the State relies on the report and submits that final opinion regarding the cause of death to be obtained from the expert is still pending due to non-availability of the viscera examination report.

Let the concerned authorities furnish viscera report to the respondent authorities at the earliest.

The police authorities would submit a report before the learned Magistrate on the next date.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]