

14.05.2024
Ct. No. 14
Item 36
Cp

WPA No. 1049 of 2024

Sri Bidyabid Bandyopadhyay
Vs.
The State of West Bengal & Ors.

Mr. Jayanta Narayan Chatterjee
Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra

....for the petitioner.

Mr. Ashim Kr. Ganguly
Mr. Tarak Karan

.....for the State.

Copy of the FRT filed by the investigation agency,
as filed in Court by the petitioner, is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the nephew of the victim deceased. On July 23, 2017 at about 3.15 a.m. when the petitioner's father, uncle and aunt were sleeping, two unknown persons attacked the father of the petitioner and assaulted him and his uncle tried to save the father. The culprits brutally killed his uncle by stabbing and injured his aunt. On the very same day Balagarh Police Station Case No.184 was started, inter alia, under Section 302 of the Indian Penal Code. However, the investigation was not done properly. This Court was pleased to pass order for investigation. The case was transferred to the CID. A charge-sheet was filed against one Pradip Sikdar. Being aggrieved, the petitioner

prayed for further investigation. The same was directed. Even at the time of further investigation, no real effort was made to unearth the truth. Although some of the witnesses have categorically stated that they could identify the accused, no effort was made to arrest the accused and put them on TI parade.

Learned counsel appearing on behalf of the State relies on the report and the case diary and submits as follows. After a charge-sheet was submitted against one Pradip Sikdar in 2017, the said accused was brutally murdered in the year 2018. A case is pending over the same. However, during his interrogation the said Pradip Sikdar had taken the names of two assailants, namely, Sk. Nijam and Sk. Raju. But, their whereabouts could not be found during investigation. Several persons of the locality by that name were checked for the purpose of investigation. Their photographs were shown to the injured witness, but they could not be identified. The injured witness being the wife of the deceased had made a statement under Section 164 of the Code that the accused at the time of assault were wearing pollution masks and also a black cover. When the police contacted the Portrait Parley Artist of Computer Cell, CID and briefed the matter, they said that it was difficult to prepare a sketch of such faces covered with mask. After

taking all steps and carefully assessing the facts, a final report was submitted in the matter.

It appears that during further investigation, the CID had taken several steps to find out the two accused, namely, Sk. Nijam and Sk. Raju. However, the accused could not be apprehended. The investigation did hit a dead end and no clues could be found.

It is indeed an unfortunate case where the real truth could not come out. One of the possible reasons is the initial faulty investigation done by the local police who had not seized any mobile phone from the arrested accused. A proper analysis of the same might have yielded better results.

After going through the case diary and the report it does not appear that there was any infirmity in the manner in which further investigation was conducted by the CID.

Therefore, I find no reason to interfere with the outcome of further investigation.

Accordingly, WPA No. 1049 of 2024 is dismissed, however, without any order as to costs.

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

(Jay Sengupta, J.)