

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Before:

The Hon'ble Mr. Justice Jay Sengupta

WPA 1613 of 2024

Bappaditya Mondal
Vs.
The State of West Bengal & Ors.

For the Petitioner : Mr. Suddhadev Adak,
Ms. Richa Pramanik..

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For the State : Mr. Tarak Karan.

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Heard on : 22.05.2024

Judgement on : 22.05.2024

Jay Sengupta, J. :

This is an application alleging police inaction.

Report dated 31.01.2024 filed by the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows.

Initially, the petitioner's complaint was not registered as FIR. This prompted him to send an e-mail to the police. Later on, a much watered down version was dictated

by the respondent no.8 as the FIR. Even during investigation, no proper steps have been taken. No statement of the de facto complainant was recorded under Section 164 of the Code. It does not appear that the mobile phone of the petitioner's daughter has been seized.

Learned counsel appearing on behalf of the State relies on the report and the case diary and submits as follows. First, it is denied that the petitioner was forced to give a watered down version in the FIR. Statements were recorded. Articles were seized. However, the prime accused i.e., the husband of the victim is absconding. He is having the phone of the victim with him. Therefore, the phone could not be seized. However, a prayer was made to have warrant of arrest issued against the absconding accused, but it was turned down on 20.05.2024 by the learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas.

Heard the learned counsels for the parties.

Perused the report and the case diary.

It appears that some steps have indeed been taken during investigation of the case.

However, it also appears that the learned Magistrate could not comprehend the true purport behind making an application for issuance of warrant of arrest. It was presumably to go for the subsequent steps at some point like having an order of proclamation and attachment issued.

The Investigating Agency shall be at liberty to file a fresh application for issuance of warrant of arrest against the absconding accused before the learned

Magistrate and the same shall be decided by the learned Magistrate promptly and in accordance with law.

Let the Investigating Officer also record the statement of the de facto complainant under Section 164 of the Code to allay the suspicion that his true version might not have come to light.

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 may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)