

S/L 12
15.3.2024
Court No.14
SD

WPA 5401 of 2024

Abdul Laskar
Vs.
The State of West Bengal & Ors.

Mr. Atarup Banerjee
Mr. Bapin Baidya
Ms. Anushka Bose

...for the Petitioner.

Mr. Amal Kr. Sen
Ms. Ashima Das (Sil)

...for the State.

A further report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's son went missing on 08.01.2024. On 10.01.2024 his dead body was found on an open field. The petitioner made a complaint and an FIR was registered on 10.01.2024 bearing Kultali PS Case No.36 dated 10.01.2024. At that time, the petitioner did not notice that there was no charge under Section 302 of the IPC imputed in the FIR. The provision under which the FIR was registered was only under Section 304 of the Penal Code. Surprisingly, the postmortem report shows the cause of death as electrocution. This is despite the fact that within a radius of 500 meters from the place where the body was found, there was no electricity connection available. Therefore, the petitioner prays for a second postmortem examination.

Learned counsel appearing on behalf of the State relies on the report and the case diary and submits as

follows. The postmortem report is absolutely clear about the cause of death and it is electrocution. An electric wire was also recovered from the place of occurrence. During the course of investigation, it transpired that the local people were illegally placing live electric wires on the field and at night they would allow electricity to pass through them so as to get rid of the menace of rats and other animals. The person from whose field the body and the wire was recovered is absconding.

From the investigation done so far, it does not appear that there is any glaring infirmity or irregularity in the same. Necessary seizures have been made and statements have been recorded. The seizure of the electric wire and the statements tend to weigh in favour of the prosecution case as presented.

Therefore, I do not find any merit in the prayer of the petitioner to hold a second postmortem.

Accordingly, WPA 5401 of 2024 is disposed of with a direction upon the Investigating Agency to conclude the investigation at the earliest and in accordance with law.

There shall be no 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.)