

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 6843 of 2024

Dipali Das

Versus

The State of West Bengal & Ors.

For the petitioner : Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee

For the State : Mr. Amitesh Banerjee, Sr. Adv
Ms. Ipsita Banerjee
Mr. Debangshu Dinda

Heard on : 05.04.2024

Judgment on : 05.04.2024

Jay Sengupta, J:

This is an application alleging police inaction in a criminal case started by the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the Pradhan of the Kalicharanpur-I under Nandigram-I Block. In the morning of the independence day when the

petitioner reached the party office to hoist the national flag, two assailants belonging to the ruling political dispensation, namely, Sk. Alraji and Sk. Abdu @ Akbar obstructed the petitioner from hoisting the national flag, verbally abused her, used derogatory language taking the name of her caste and then threw her on the ground by pulling her hair. One of the accused pulled the wearing apparels and disrobed her and the other one tried to strangle her. In spite of registration of an FIR, the accused have not been arrested yet. On the contrary, a false counter-case has been foisted against the petitioner, inter alia, under Sections 325 and 307 of the IPC. Section 15A (11) (i) and (n) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 require the Investigating Agency to give information about progress of investigation to the atrocity victims and to execute their rights. The same has not been done. The police had been overzealous in the counter case and have already filed a charge sheet, inter alia, under Section 307 of the Code. However, in the instant case started by the petitioner, no proper investigation has been done, far less a charge sheet being submitted.

Learned counsel appearing on behalf of the State submits as follows. The allegations made in the writ petition are denied. Investigation is being done in the case started by the petitioner and a report in final form would soon be filed. The counter case has resulted in a charge sheet.

I have heard the learned counsels for the parties and perused the case diaries of the two cases.

Upon perusal of the case against the petitioner namely, Nandigram PS Case No. 1245 of 2023, it appears that the independent witnesses have given similar statements that the accused had assaulted the victim and had used foul language. The injuries reports speak of blows and kicks. Only one of the victims seems to have a maximum of swelling and tenderness of chest and scalp.

Therefore, the petitioner shall be at liberty to pray for appropriate relief in respect of the charges mentioned in the charge sheet submitted.

So far as the case started by the petitioner is concerned, namely Nandigram PS Case No. 1244 of 2023, it appears that already there are sufficient numbers of statements and medical reports to conclude investigation. However, if the Investigating Agency thinks that some more evidence will be available, it shall be open to them to further investigate into the offence. However, the Investigating Officer shall conduct further investigation under the supervision of The Superintendent of Police, Purba Medinipur.

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

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

(Jay Sengupta, J.)

ssi