

March 15, 2024
AD 16
Ct. No.14
SG

WPA 6984 of 2024

Nilanjan Mitra
vs.
The State of West Bengal and others

Mr. Jayanta Narayan Chatterjee
Ms. Moumita Pandit
Mr. Supreem Naskar
Ms. Jayashree Patra
Ms. Ritushree Banerjee
Ms. Pritha Sinha
Mr. Bhaskar Mondal
... for the petitioner.

Mr. Wasim Ahmed
Mr. Sk. Md. Masud
... for the State.

Mr. Pritam Roy
Mr. Soewel Bhattacharjee
Ms. Triparna Roy
... for the private respondent.

Learned advocate for the petitioner submits as follows. In spite of previous order passed by this Court for transferring investigation to the CID, no proper investigation has been done in this case. No charge under Section 302 of the Penal Code has been added. Investigation is still going on under Section 304B of the Penal Code, which is not applicable as the incident which had taken place after 7 years of marriage.

Learned advocate for the State relies on the case diary and submits that there is a verbal dying declaration made by the victim before a doctor and the statements of the doctor and the nurse were recorded under Section 164 of the Code. They seem to indicate that the husband had actually tried to put off fire.

Learned advocate for the private respondent submits that the husband is absolutely innocent. He only tried to save his wife after the unfortunate incident occurred.

Let the investigating agency carefully look into and deal with the allegations of the petitioner that at the time of the incident, first the husband decided to talk to the elder sister of the victim and show her a video of the burning lady and the duration of the call. The duration of the call could of some significance.

However, the investigating agency shall proceed with an open mind and consider all aspects before coming to a final conclusion.

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

If the petitioner is dissatisfied with the outcome of the investigation, he shall be at liberty to challenge the same.

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.

Parties shall act on a server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]

