

07 08.04.2024
NB Ct. 14

WPA 8678 of 2024

XYZ
Vs.
The State of West Bengal & Ors.

Mr. Amit Ranjan Pati,
Ms. Swastika Chowdhury.
...for the petitioner.

Mr. Himadri Sekhar Chakraborty,
Mr. Aritra Ghosh.
...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the victim of sexual assault. An FIR was lodged on 28.12.2023 under Sections 341, 323, 354, 376 read with Sections 511, 506, 427 read with Section 34 of the Penal Code. Yet, till date, the accused could not be apprehended. Although the victim/petitioner had refused medical examination, there is an injury report available, which was not even seized by the police.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The injury report is a part of the report filed by the police. Investigation is being done. But, the accused is absconding. Incidentally, the FIR lodged by the petitioner is at some variance with the statement given by the petitioner under Section 164 of the Code.

It appears that the FIR was lodged pursuant to an application filed under Section 156(3) of the Code. It was registered on 28.12.2023. Till date, the investigation could not be concluded.

Let further investigation of the case be continued under the supervision of the concerned Sub-Divisional Police Officer.

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.)