

09 19.04.2024
NB Ct. 14

WPA 10846 of 2024

Arko Pravo Dutta
Vs.
The State of West Bengal & Ors.

Mr. Sourodeep Singha.
...for the petitioner.

Mr. Swapan Kumar Banerjee, Id. AGP.,
Ms. Sahini Sumi.
...for the State.

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

Despite service, no one appears on behalf of the private respondents.

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 a human rights activist. In the night between 08.03.2024 and 09.03.2024, the petitioner and his family members were mercilessly assaulted by the private respondents. The private respondents are politically influential persons of the locality. The victims received grievous injuries. There was assault made with sharp cutting weapon on the scalp of the petitioner among other places. First, no FIR was registered. It was only after a complaint was made before the Superintendent of Police that the local police registered an FIR. But, they have imputed lesser charges in the said FIR being Malda PS Case No.151 dated 20.03.2024

under Sections 324, 325, 308, 379 and 34 of the Penal Code.

The accused have not been arrested yet.

Learned counsel appearing on behalf of the State submits that allegations of police inaction are denied.

First, there was a delay in lodging FIR in a case involving such serious allegations.

Secondly, for an alleged unprovoked assault on the head with a sharp cutting weapon, resulting in an injury, one wonders how Section 308 could be imputed instead of Section 307 of the Penal Code.

Let further investigation of the case be conducted by another Investigating Officer of the Malda Police Station to be engaged for such purpose by the Superintendent of Police, Malda Police District.

The investigation shall be carried out under the direct supervision of the concerned Superintendent of Police.

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.

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

(Jay Sengupta, J.)