

10 26.04.2024
NB Ct. 14

WPA 11539 of 2024

Jorina Bibi
Vs.
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar.
...for the petitioner.

Mr. Lal Mohan Mahata Id.AGP.,
Mr. Prasanta Behari Mahata.
...for the State.

Mr. Niladri Sekhar Ghosh.
...for the respondent nos.7,8&9.

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's case is that the FIR was not registered under appropriate provisions. Rather than being a mere case of Section 354 and 354B, the offence alleged is one under Section 376 read with Section 511 of the Penal Code. Moreover, no statement of the victim was recorded under Section 164 of the Code.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition.

Learned counsel appearing on behalf of the State submits that investigation is going on into the alleged offences. Appropriate steps would be taken during investigation and if necessary and if a prima facie case is made out under Section

376 read with Section 511 of the Penal Code, the same could be imputed.

At this stage, a question was posed to the Investigating Officer present in Court through the learned counsel for the State as to why statement of the victim has not been recorded under Section 164 of the Code. There is no answer to the same.

Let the Investigating Officer conduct further investigation of the case, but under the supervision of the concerned SDPO, Bishnupur. Appropriate steps be taken including examining the de facto complainant/victim under Section 164 of the Code.

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.)