

W.P.A. 13471 of 2024

Manisha Dutta & Anr.  
Vs.  
The State of West Bengal & Ors.

Mr. Moyukh Mukherjee  
Ms. Aishwarya Bazaz  
Ms. Sarmistha Basak ... for the petitioners

Mr. Pantu Deb Roy  
Mr. Panna Lal Bandyopadhyay ... for the State

Affidavit of service is taken on record.

State filed a report is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no. 1 is the mother of petitioner no. 2. The petitioners were going to house of the other daughter of petitioner no. 1 in their car. At Domjur, the car was parked to purchase some sweets. At that point the local miscreants came and asked them to park the car elsewhere. Their request was complied with. Yet, they started altercations. They verbally abused and then assaulted the petitioners. This was immediately brought to the notice to the police officers at Domjur police station, but no F.I.R. was registered. Even when the ladies were taken to the place of occurrence by the police, an accomplice of the main accused again came and threatened. Despite making a complaint, no effective step has been taken. In the notice given under Section 160 of the Code the petitioner has been asked to provide any CCTV footage available, among other things, and provide the names of chance eye witnesses.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A specific F.I.R. being Domjur P.S. Case No. 358 dated 08.5.2024 has been registered under complaint of the petitioners under Sections 341/323/354/379 and 34 of the Penal Code. This is being investigated. However, the de facto complainant is not fully co-operating with the investigation.

It is surprising indeed that the police would be asking for CCTV footages from the victim for a place where victim was a stranger and even for providing names of chance witnesses, if any. One wonders if these are provided by the de facto complainant, then what would the police be doing while investigatng.

However, the petitioners shall be at liberty to provide any video recording to the investigating officer of the case.

Let the investigation be concluded expeditiously and in accordance with law, however, under the supervision of the Deputy Commissioner of Police, Howrah Police Commissionerate.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)