

DL-18

17.05.2024
Court No.14
(AD)

WPA 13802 of 2024

Sumita Bhattacharya
Vs.
The State of West Bengal & Ors.

Mr. Moyukh Mukherjee
Mr. Prasanta Kumar Saha
Mr. Abhijit Singh ... for the petitioner

Mr. Swapan Banerjee. Ld. Additional Govt. Pleader
Mr. Sougata Mitra
... for the State.

1. Learned Counsel on behalf of the petitioner submits as follows. The petitioner-husband was brutally assaulted by the miscreants. As the miscreants belonged to the ruling political dispensation, appropriate charges were not mentioned in the FIR. The FIR was lodged under Sections 341, 324, 325 and 34 of the Indian Penal Code in spite of the fact that the accused had cut open one foot of the victim. He was treated at a hospital and requires surgery. Blank papers were obtained by the police from the petitioner’s side with signatures on them. The petitioner and her family members are facing threats and intimidations from the miscreants. Fortunately, the learned Magistrate considered the gravity of the offence and rejected the bail prayer. It was

only after that the Investigating Officer made a prayer to add Sections 326 and 307 of the Indian Penal Code to the charges. The delay in lodging FIR was due to hospitalization of the victim.

2. The learned Additional Government Pleader vehemently denies any overaction and inaction of the police in this case. Prayer for addition of Sections 326 and 307 of the Indian Penal Code has already been made. Other steps are being taken in the course of investigation. It is denied that any signature was taken by the police on blank papers. There was a delay in lodging the complaint.
3. The initial omission of adding appropriate provisions in the FIR raises concern.
4. Therefore, let further investigation of the case be conducted by the Assistant Commissioner of Police, Detective Department, Barrackpore Police Commissionerate.
5. The Officer-in-Charge of Jagaddal Police Station shall also keep a sharp vigil at the locale where the petitioner resides and ensure that no harm ensues to the petitioner and his family members. Surveillance shall include frequent visits by police patrol.
6. Let the original case diary kept with the record be returned to the Investigating Officer of the case.
7. The presence of the Investigating Officer is noted

and dispensed with,

8. With these observations, the writ petition stands disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Jay Sengupta, J.)