

Item No.10

02.07.2024
Ct-14
AGM

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16382 of 2024

Saraswati Choudhury
v.
The State of West Bengal & Ors.

Mr. Arunava Ganguly.
... for the petitioner.

Mr. Suddhadev Adak.
Ms. Arpita Mondal.
... for the State.

The petitioner is aggrieved by the manner in which the complaint lodged by her is being investigated by the police.

It has been submitted that the accused, being the neighbour of the petitioner, is always threatening her with dire consequences if she proceeds further with the complaint. The petitioner fears for her life and liberty.

Learned advocate representing the State respondents relies upon the instruction forwarded by the Inspector-in-charge, Chandannagar Police Station signed on 1st July, 2024 which mentions that on 17th June, 2024 on receipt of a complaint from the petitioner, Chandannagar Police Station Case No. 101 of 2024 dated 17.06.2024 under Sections 447 / 354D / 504 / 506 / 509 IPC was initiated. The allegation was investigated. The statements of the complaints under Section 161 and 164 Cr.P.C. has already been recorded.

Notice under Section 41A Cr.P.C. upon the FIR named accused persons have been issued and the accused surrendered before the learned Court and was released on bail.

After the order of bail was obtained, the accused have been implicated under provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The WhatsApp communication made by the accused to the petitioner has also been taken note of and the provisions of the Information Technology Act, 2000 have also been invoked. Prayer has been made before the learned Court in seisin of the matter for adding the Sections under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 67(A) of Information Technology Act, 2000.

Upon hearing the parties and on perusal of the instruction forwarded by the police, the parties are given liberty to approach the learned Trial court where the matter is pending for further relief.

The police are directed to ensure that the life and property of the petitioner is not endangered at the hands of the accused or his men and agents.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)