

February 1, 2024
AD 13
Ct. No.14
SG

WPA 17480 of 2021

Keniz Fatema
vs.
The State of West Bengal and others

Mr. Moniruzzaman
Mr. Debasish Saha
Mr. Jahangir Badsha
... for the petitioner.

Mr. Tapan Mukherjee
Mr. Shamim Ul Bari
Ms. Rupsa Chakraborty
... for the State.

Md. Sabir Ahmed
Mr. Tasnim Ahmed
Mr. Dhiman Banerjee
... for the respondent No.10.

Supplementary affidavit filed by the petitioner is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. As the petitioner's daughter-in-law was having an illicit relation with a police officer, some complaints were lodged by the petitioner. The daughter-in-law too lodged a complaint under Section 498A of the Penal Code. Thereafter, pursuant to a direction passed by this Court an FIR was directed to be lodged against the police officer. Charge-sheet was submitted there showing the police officer as an absconder. This happened in 2018. However, subsequent records would show that the said police officer, who was shown as an absconder, obtained

promotion. Departmental action is warranted against the said police officer.

Learned advocate for the private respondent denies the allegations made in the writ petition and submits that as the petitioner had to go to jail, she wants the police officer to suffer a similar fate. On 2018, a departmental enquiry was going on against the police officer. For this, he might have been shown as an absconder in the charge-sheet. Thereafter, he surrendered and obtained bail. A charge-sheet was submitted long back in 2018. But, this writ petition was filed only in 2021.

Learned advocate for the State relies on the report and submits that the police have taken action on complaints filed from both the sides. Charge-sheet dated 21.06.2018 was submitted against the erring police officer and others. He was released on bail on 28.06.2018. The matter is pending before the trial court for framing charge.

It appears that the case started by the petitioner is at the stage of framing of charge. Charge-sheet was submitted as far back as in 2018.

It is true that showing a serving police officer as an absconder in a charge-sheet casts some shadow of doubt on the manner in which the investigation might have been done. However, the petitioner had chosen not to file a protest petition against the outcome of investigation.

At this stage, simply because of the fact that police officer was shown as an absconder for sometime in 2018, no departmental action can be prescribed by this Court.

Therefore, no further order need be passed in this regard.

Let the proceeding before the trial court be concluded expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]