

S/L 62
24.01.2024
Court No.14
SD

WPA 24790 of 2023

Ambia Seikh
Vs.
The State of West Bengal & Ors.

Mr. Jahar Lal Ray
Ms. Kavita Rani

...for the Petitioners.

Mr. Jayanta Samanta
Mr. Sabyasachi Bhattacharjee

...for the State.

Mr. Sounak Bhattacharya
Mr. Chandra Nath Sarkar
Mr. Sounak Mandal

...for the Respondent Nos.5,8,9,11.

Report filed on behalf of the State is taken on record.

Copy of the report be handed over to the learned counsel appearing on behalf of the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the mother of the minor girl who was subjected to wanton atrocities. The petitioner has prayed for lodging of the First Information Report and giving protection to the victim and her family. At the time of filing of the writ petition, it was not known by the petitioner that any provision of the POCSO Act has been added in the original case.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, Kultali PS Case No.86/22 dated 22.02.2022 was registered under Sections 341, 323, 354A, 354C, 506, 34 of the IPC and later on Section 8 of the POCSO Act was added. A charge sheet has been submitted in the

same. On the allegation of further threats committed by the accused and others, Kultali P.S. Case No.10/22 dated 03.01.2022 was started under Sections 448, 323, 354B, 427, 506 and 34 of the IPC. A charge sheet was also submitted subsequently. Subsequently, another FIR has been lodged on the complaint of the petitioner being Kultali P.S. Case No.607/23 dated 20.9.2023 under Sections 341, 323, 325, 354A, 506 and 34 of the IPC. A charge sheet has also been submitted on the same. Police are keeping a close watch on the developments in the locality.

Learned counsel appearing on behalf of the respondent nos.5, 8, 9 and 11 submits that against them there is no charge under the POCSO Act. In fact, in respect of the case where they have been made accused, notice was given under Section 41A of the Code and they have already obtained anticipatory bail.

It appears that police have taken steps by lodging necessary FIRs and even concluding such investigation by filing charge sheets.

However, to ensure the safety and security of the victim, let the police authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place and no harm is done to the petitioner and her family members. The surveillance shall include frequent visits by police patrol.

If any untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to call up the Officer-in-Charge, Kultali Police Station who shall then act in accordance with law.

With these observations, WPA 24970 of 2023 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)