

W.P.A. 25510 of 2023

Radharani Gayen
Vs.
State of West Bengal & Ors.

Mr. Mayukh Mukherjee
Ms. Sarmistha Banerjee
... for the petitioner

Mr. Amitesh Banerjee, Sr. St. Counsel
Mr. Tarak Karan
... for the State

Report filed on behalf of the State is taken on record.
Copy of the same be handed over to the learned counsel for
the petitioner.

Learned counsel appearing on behalf of the State submits
as follows. The petitioner is the sister-in-law of the victim who
suffered a grievous injury at the hands of the private
respondents. She is also the de facto complainant in this case.
Her F.I.R. was registered as Baruipur P.S. Case No. 1664
dated 22.10.2022. After investigation, a charge sheet was
submitted only under Sections 341,323,506,509 and 34 of
Indian Penal Code. No proper investigation was done in this
case. On the contrary, the said victim was arrested in
connection with a counter case started by the other side being
Baruipur P.S. Case No. 1665 of 2022. He was kept in the
custody for about forty eight days.

Learned senior standing counsel for the State relies on the
report and the two case diaries and submits as follows. Even
before the writ petition was filed, the investigating agency after
getting copies of injury reports in the case started by the

petitioner has prayed for passing necessary orders by the learned Magistrate to reopen the case for further investigation. Earlier, such medical documents were not made available either by the petitioner or by the hospital concerned.

It appears that the prayer was made before the learned Magistrate on 30.8.2023, but no steps have been taken by the Investigating Officer after that.

The Investigating Agency is always at liberty to start further investigation only after intimating the learned Court concerned.

It has also not explained as to why the investigating officer did not give more effort in getting the medical documents, if not from the petitioner then atleast from the hospital.

It is also an admitted position that till date, no arrest has been made in the case started by the petitioner.

Therefore, let the Baruipur P.S. Case being 1664 of 22.10.22 be further investigated by the C.I.D. forthwith. Necessary intimation be given by way of a prayer before the learned Magistrate.

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.)