

WPA 25745 of 2023

Anita Singha Mahapatra
Vs.
The State of West Bengal & Ors.

Mr. Ramkrishna Bhattacharyya,
Mr. Kaushik Chowdhury.
...for the petitioner.

Mr. Rajarshi Basu,
Mr. Anirban Dutta.
...for the State.

Mr. Tarapada Das,
Mr. Mahadeb Khan,
Ms. Jonaki Khan.
...for the respondent no.5.

Learned counsel appearing on behalf of the petitioner submits as follows. As no FIR was registered by the police, the petitioner filed an application under Section 156(3) of the Code. Pursuant to an appropriate direction, an FIR was registered, inter alia, under Section 498A of the Penal Code. But, the investigation was not done properly. After submission of charge sheet, the petitioner filed a protest petition. Further investigation was allowed. But that has also not been done properly. The witnesses named by the petitioner have not been examined. There was a clear allegation against the brother-in-law of the petitioner that he would often forcibly try to enter into physical relationship with the petitioner. But, no investigation has been done in this regard.

Learned counsel appearing on behalf of the State relies on the report and submits that even after further investigation, a supplementary charge sheet has been filed, but only under Sections 498A, 406, 323, 506 and 34 of the Penal Code.

Learned counsel appearing on behalf of the respondent no.5 denies the allegations.

Heard the learned counsels appearing on behalf of the parties and perused the case diary.

From the First Information Report, it appears that no specific date or approximate time period has been mentioned by the petitioner about the dates on which the petitioner would have accosted by the private respondent no.5 with an indecent proposal.

It further appears from the records that the couple had been staying together for several years. For the first four months, the petitioner stayed at her matrimonial home. After that, she was staying with her family at the place of work of her husband in Kolkata.

It also appears that during further investigation, statements of some of the witnesses have been recorded under Section 161 of the Code who were named by the petitioner.

Therefore, this Court does not find any apparent inconsistency in the manner in which the further investigation was done.

Therefore, I find no merit in the application.

Accordingly, the writ petition is disposed of with liberty granted to the petitioner to raise all her contentions before the Trial Court.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

