

1243
02.5.2024
Ct. No. 14
SB

W.P.A. 26175 of 2023

Suraj Sonkar
Vs.
The State of West Bengal & Ors.

Mr. Deo Nath Sonkar
... for the petitioner

Ms. Sangeeta Roy
Mr. Sujit Chatterjee ... for the State

Notices of intimation given to the private respondent, as filed in Court, are taken on record.

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

Learned counsel appearing for the petitioner submits as follows. The petitioner was seriously assaulted by the private respondent no. 6 on 15.10.2023. The petitioner belongs to Scheduled Castes community. He went to the police station to lodge an appropriate F.I.R. But, the recording officer did not accept the same. He suggested a different version which was dictated by him and was written and signed by the petitioner. Soon thereafter, on 06.11.2023 the petitioner made a representation before the police authorities including the Officer-in-Charge of the concerned police station by email. Yet, such subsequent version of the petitioner has not been taken into consideration

Learned counsel appearing for the State relies on the report and then case diaries of two cases including the case started at the behest of the petitioner and submits as follows. As would be evident and has been admitted by the petitioner, the F.I.R. was written by the petitioner in his own hand writing.

It was duly signed by him as well. This is the version that was given by the petitioner to the police for registering an F.I.R. The petitioner, if aggrieved, could not have waited till 06.11.2023 for the first time to vent his grievances. In fact, investigation in the instant case was completed by 30.10.2023. On that day sanction was granted by the superior authority to file charge sheet. Accordingly, a charge sheet has been filed. Incidentally, there is also a counter version given by the other side and the case was registered on same day i.e. 15.10.2023. A charge sheet has also been submitted.

I have heard the learned advocates for the parties and perused the writ petition, the report and the case diaries of the two cases.

It appears that during investigation the Investigating Officer examined witnesses and seized medical reports.

The F.I.R. was lodged purportedly by the petitioner on 15.10.2023 admittedly in his own handwriting. However, now he claims that it was a version dictated by the recording officer. Such claim is indeed very difficult to accept, especially in view of the fact that the contrary representation was made by the petitioner much later, only on 06.11.2023.

However, the petitioner shall be at liberty to agitate such at the time of trial if the same ensues

The Investigating Officer of the case cannot be faulted for being prompt in conducting the investigation and submitting a charge sheet.

In view of the above discussions, I do not find any merit in the writ petition and accordingly, the same is dismissed albeit without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon competition of requisite formalities.

(Jay Sengupta, J.)