

D/L 09
22.11.2024
Kausik
ct.no.35

W.P.A. 27580 of 2024

**Sekhar Roy
Versus
The State of West Bengal & Ors.**

Mr. Tarunjyoti Tewari
Mr. Aniruddha Tewari
Ms. Kausiki Bose

...for the petitioner.

Mr. K.J. Yosuf, AGP
Mr. Parikshit Goswami

...for the state.

Mr. Tewari learned advocate appearing for the petitioner has approached this court with two-fold prayers. Firstly regarding the progress of the investigation and secondly regarding the security of the victim and her family members. One of the accusations made from the side of the victim is that, they are being forced to compromise and/or take a lenient step, because of the influence of the relation of the accused who has been arrested in connection with the case and to that extent, there is an accusation against the investigating authorities that they are not acting properly because the arrested accused is a relation of an ex-upoprodhan of the area belonging to the ruling dispensation.

Petitioner complains that there is another child who is being taken to school and an atmosphere

has been created which is not conducive for a victim's family and the petitioner or his family members are being teased, threatened and attempted to be coerced in a manner for which in future there may not be any possibility of a free and fair trial.

Mr. K.J. Yusuf learned additional government pleader has produced the case diary.

I have perused the statements under section 183 of the BNSS, the statement under section 180 of the BNSS, the medical report and also other available materials which the investigating officer has collected. On a query from the court it was responded by the state that they are awaiting for some other reports to come.

Primarily, I am of the opinion that the investigation is at the final stage and the investigating agency should not wait for the time being, for the FSL to reach as there are number of witnesses to be examined and admittedly from the statement of the victim, prima facie, it appears that a fear was instilled and thereafter the victim was drugged and there was commission of sexual abuse.

That being so if the investigating officer thinks it fit and proper, she should be in a position to file a report under section 193 of the BNSS with the

prayer for further investigation, if further materials appear.

Secondly, is the issue relating to security. The POCSO act and its rules provides necessary safeguards to be provided to the victim and her family members.

Learned advocate for the state has submitted that he has instructions that already necessary police assistance has been rendered at the house of the victim. However, state is directed all possible assistance be given to the family members when they go out of the home, so that the scope of any teasing, threatening and/or any type of attempt to coerce the petitioner is minimized. The local police station would on the request provide additional security as they deem fit and proper, till the evidence of the victim girl and the parents are over before the trial court.

With the aforesaid observations WPA 27580 of 2024 is disposed of.

Case diary so submitted before the court be returned to the learned advocate appearing for the state.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)