

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Before:

The Hon'ble Mr. Justice Jay Sengupta

WPA 26548 of 2023

Sabnaj @ Sabnaj Khatun
Vs.

The State of West Bengal & Ors.

For the Petitioner	:	Mr. Niladri Sekhar Ghosh, Mr. Nazar Chowdhury, Ms. Sompurna Chatterjee, Mr. Sourov Mondal, Mr. Rony Mondal, Ms. Labani Sikdar.
For the State	:	Mr. Amal Kr. Sen Ld. AGP., Mr. Lal Mohan Basu.
Heard on	:	05.01.2024
Judgement on	:	05.01.2024

Jay Sengupta, J. :

1. This is an application praying, inter alia, for direction upon the police authorities to treat the writ petition as a First Information Report, to preserve CCTV footage of Islampur Police Station between 28.10.2023 and 02.11.2023 and to initiate departmental proceeding against the errant police officials.

2. A copy of a prisoner's petition and an emergency ticket, as filed on behalf of the petitioner, is taken on record.
3. Learned Counsel appearing on behalf of the petitioner submits as follows. Some gold ornaments were stolen from one Maa Kali Mandir between 27th and 28th October, 2023. A person looking like the petitioner's husband was seen in the CCTV footage. On 28th October, 2023, the erstwhile investigating Officer went to the house of the petitioner to arrest her husband. As her husband was not there, the petitioner was picked up and illegally detained at the police station. No woman police was present there. After getting drunk, the male police officers beat up the petitioner. Later, the petitioner's husband went to the police station to bring his wife back. He was also detained and severely beaten up. On the next date also he was brutally assaulted. On 30th October, 2023, the police produced the accused in Court. On 1st November, 2023, both the petitioner and the husband fell ill due to such assault and trauma. On 2nd November, 2023, the husband was admitted to a hospital and stayed there till 8th November, 2023. His kidneys were damaged due to the assault committed by the police. On 9th November, 2023, the investigating officer had the accused forcibly discharged from the hospital and since then the husband of the petitioner was not traceable. However, now it is learnt that the husband was sent to the North Bengal Medical College & Hospital for treatment. Thereafter, he

was compelled to pray for release. After such release, he had to be admitted in the hospital again due to medical emergency.

4. Learned Additional Government Pleader representing the State relies on the report filed earlier and the case diary and submits as follows. After this Court had taken up the matter for hearing, a departmental proceeding was initiated against the erring police personnel including the Officer-in-Charge of the Islampur Police Station and the erstwhile Investigating Officer. The Investigating Officer has been suspended. Another Officer has been deputed to investigate the instant case. The petitioner's husband was actually arrested on the basis of a source information. The allegations that the petitioner being the wife of the accused was also detained and that both the petitioner and her husband were beaten up are being looked into and are subject-matter of the departmental proceeding. So far as the medical treatment is concerned, both the doctor at the jail hospital and the treating doctor were of the view that the petitioner's husband was suffering from a chronic kidney injury. There was no injury mark pertaining to the alleged assault on the kidneys. The petitioner's husband was discharged from the North Bengal College & Hospital. The doctor at the correctional home issued a fit certificate. Since the petitioner's husband was unable to furnish bail bond, he was released on PR bond.

5. The petitioner has come up with a very serious allegation that as the police could not arrest her husband a suspect in a case, they picked her up and detained her in custody and that too without there being a female police officer. The couple were assaulted and consequently, the petitioner's husband suffered from kidney injuries.
6. It further appears that the police have initiated a departmental proceeding against the errant police officers. The erstwhile Investigating Officer has been suspended.
7. Let the departmental proceeding be concluded expeditiously and after considering all relevant materials including examination of the victims and the treating doctors.
8. The petitioner shall also be at liberty to file a formal written complaint to the police station for registration of an FIR. The police authorities shall deal with the same in accordance with law.
9. The petitioner shall also be entitled to raise the issue of compensation at a subsequent stage.
10. With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)

SI. 06/NB