

37 01.05.2024
NB Ct. 14

WPA 27008 of 2023
(via video conference)

Amal Mandal
Vs.
The State of West Bengal & Ors.

Ms. Tripti Pandey.
...for the petitioner.

Mr. Suman Ghosh.
...for the State.

Mr. Subhabrata Chowdhury.
...for the respondent nos.2&3.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's minor daughter was kidnapped. Over this, Gosaba PS Case No.194 dated 15.10.2023 was started under Sections 363 and 365 of the Penal Code. First, the most stringent sections of POCSO Act were not imputed. Secondly, investigation was not done properly. In fact, there was much delay in recovering the minor girl. After the girl was recovered, she was sent to a Home. Thereafter, the parents took custody of the child.

According to the report filed on behalf of the State, the girl was aged about 16 years and she had a love affair with the prime accused. After much effort, the girl was recovered. However, in a statement under Section 164 of the Code of Criminal Procedure, the minor victim stated that she had a quarrel with her mother, and that is why, she went away to her uncle's place.

In view of such exonerative statement and in the absence of any other incriminating material appearing against the accused, a final report was submitted being FRMF No.62 dated 30.03.2024.

It appears that the victim girl upon recovery had made an exonerative statement before the learned Judicial Magistrate. Accordingly, a final report was submitted.

Therefore, no further order need be passed in this regard.

Accordingly, the writ petition is dismissed, however, without any order as to costs.

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

(Jay Sengupta, J.)