

29.

20.12.2024
Ct. No. 35
(ARPAN)

W.P.A. 29792 of 2024

**Namita Dhara
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Banerjee
Ms. Keya Nag

...for the Petitioner

Mr. Swapan Banerjee, Ld. AGP
Mr. Saumen Chatterjee

...for the State

Mr. Tanmay Chowdhury
Mr. R. Ghosh

...for Respondent Nos. 5-9

Petitioner complains that she and the other witnesses are being threatened to withdraw the case being Rajapur P.S. Case No. 267 of 2022. Learned advocate appearing for the petitioner submits that she has already preferred an application under Section 173 (8) of the Cr.P.C. for further investigation and to that extent also she has been threatened by some of the persons who are accused and some of the persons have been discharged by the investigating agency. Petitioner prays for protection as the accused and their associates are allegedly dangerous in nature and as such it will not be possible for the petitioner to get justice if the situation so continues.

Learned advocate appearing for the private respondents submits that he has instruction that the application under Section 173 (8) of the Cr.P.C. has been rejected which is disputed by the learned advocate appearing for the petitioner.

Mr. Banerjee, Learned Additional Government Pleader submits that steps have been taken by the superior officer of the police authorities and an Officer in the rank of DSP has been requested to investigate further into the case.

Since, steps have already been taken by the State, at this stage this Court will not go into the merits of the case. However, having regard to the plight expressed by the petitioner, I direct that if application is filed before the jurisdictional Court in seisin of the matter for protection of the petitioner as well as witnesses, the concerned Court will abide by the provisions of Witness Protection Scheme, 2018 and render necessary assistance by passing appropriate directions for obtaining a report from the police authorities regarding the threat perception of the petitioner and the witnesses.

The police authorities are directed to keep a strict vigil and ensure that no untoward incident results particularly in regard to the issue relating to the petitioner and witnesses whose evidences may be hindered/ deterred by the accused persons as is apprehended by the petitioner.

With the aforesaid observations, WPA No.29792 of 2024 is disposed of.

Report so submitted be kept with the record.

Copy of the report be handed over to the petitioner.

Parties to act on a server copy of this order duly collected from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)