

January 4, 2024
AD 7
Ct. No.14
SG

WPA 28738 of 2023

XXX, being the victim girl
vs
The State of West Bengal and others

Mr. Moyukh Mukherjee
Mr. Sayantan Sinha
Ms. Sagnika Banerjee
... for the petitioner

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu
... for the State.

This is an application alleging police inaction in investigating a case of rape lodged by the petitioner and for taking steps in respect of illegal acts committed in disclosing the identity of the victim.

Report filed by the State is taken on record.

Learned advocate for the petitioner submits as follows. The petitioner was subjected to rape by the respondent No.6 who is a police constable. The other private respondents are his relatives. The petitioner alleged that she was forced into sexual intercourse by the accused constable. Thereafter, in fear of losing his job he promised to marry the petitioner and performed certain rituals in a temple, but never came to register the marriage. Thereafter, on several occasions he forced himself upon the petitioner. The accused also forcibly administered a medicine to abort a foetus. The petitioner informed the police, but no action was taken. The

petitioner was constrained to move an application under Section 156(3) of the Code. Even after registration of the FIR, the investigation was not done properly. The identity of the victim was disclosed and now pictures, phone number and identity of the victim are being circulated by the accused.

Learned advocate for the State relies on the report and submits as follows. There is no police inaction in investigating the case. Medical examination was done. The Statement of the victim was recorded under Section 164 of the Code. Charge-sheet has been submitted under Section 376 of the Code.

Heard learned advocates for the parties and perused the case diary.

It appears that the investigating agency has taken necessary steps in investigating the case.

Copies of documents have also been supplied to the accused.

I do not find any reason to interfere with the matter so far as the investigation into the alleged offence is concerned.

Let the trial court expedite the proceedings.

However, the petitioner shall be at liberty to take steps in respect of any further act allegedly done by the accused in circulating her phone number or identity and photographs in the public domain.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of without any costs.

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

[Jay Sengupta, J.]