

Item No.13
10.06.2024
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 1019 of 2024

Krishna Sutradhar @ Das
VS
The State of West Bengal & Ors.

Mr. Arnab Saha

...for the Petitioner.

*Mr. Subir Kumar Saha,
Ms. Rima Sarkar*

...for the State.

*Mr. Arijit Ghosh,
Mrs. Swarnali Ghosh*

...for the Respondent Nos.4 & 5.

1. Affidavit-of-service filed in Court today, be kept with the record.
2. The petitioner contends that the Kumargram Police Station did not proceed with the FIR registered on the basis of the complaint filed by the petitioner, namely, Kumargram Police Station Case No.51 of 2024. The petitioner contends that the statement of the victims and the complainant were not taken. There were no seizures. The medical reports were not collected.
3. The learned advocate for the respondent nos.4 and 5 against whom complaint was lodged, submits that there is a case and a counter-case. The said

respondents have also filed a police complaint and an FIR was registered.

4. The learned advocate for the State submits a report, prepared by the I.C. Kumargram Police Station. The same is taken on record. It appears from the said document that investigation was completed and charge-sheet was submitted. The FIR named accused Rahul Das was arrested. ASI Debabrata Das was the investigating officer. It has been categorically recorded that the complainant Smt. Krishna Sutradhar and other available witnesses were examined and their statements were recorded under Section 161 of the Code of Criminal Procedure. The place of occurrence was visited, sketch maps were drawn with index. The complainant handed over one bamboo stick measuring about 6 feet to the police, but the same did not contain any blood stain. The I.O. seized the said bamboo stick under a seizure list. Upon holding raids, Rahul Das could be arrested. He was produced before the learned CJM, Alipurduar. The injury report of the victim Guneswar Sutradhar was collected from Kumargram primary health centre. The bed head ticket of Guneswar Sutradhar was also collected from the Alipurduar District Hospital and it was found that the patient was admitted at Alipurduar District Hospital on March

11, 2024 and discharged on March 12, 2024. Upon completion of the investigation, Charge-sheet No.44 of 2024 dated March 31, 2024 was submitted before the competent court.

5. Under such circumstances, it appears that the police authorities have completed the investigation and done the needful. However, the petitioner who is the defacto complainant contends that her statement under Section 161 of the Code of Criminal Procedure was not taken. The police authorities are directed to supply a photocopy of the statement of the petitioner within three weeks from communication of this order.
6. Accordingly, the writ petition is disposed of.
7. However, there will be no order as to costs.
8. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)