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02.08.2024
Ct. No.02
NB

HIGH COURT AT CALCUTTA
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction

WPA 1501 of 2024

Sarmila Devi
Vs.
The State of West Bengal & Ors.

Mr. Hillol Saha Podder,
Ms. Mousumi Das.
...for the petitioner.

Ms. Bedashruti Bose,
Mr. Sumit Kumar.
...for the State.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the victim of the alleged offences. She was brutally assaulted by the private respondents. The accused hit her on her head with an iron rod and “da” that would clearly attract Section 307 of the Penal Code. But, the same was not imputed in the FIR although Section 326 of the Penal Code found a place there.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is no police inaction in this case. FIR was registered, inter alia, under Section 326 of the Penal Code. Even, before the Magistrate, witnesses were examined.

It appears that an allegation has been made of hitting the victim on her head with iron “da”. That the victim

suffered an injury is also reflected from the injury report and the photocopies annexed.

Therefore, it shall be open to the Investigating Officer to consider whether a prayer should be made before the learned Magistrate for addition of Section 307 of the Penal Code to the array of charges.

Let the investigation be concluded expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)