

Sl.No.
1 (SL) 05.02.2025
Court
No. 35
G.S.Das

WPA 2884 of 2025

Abhijit Bose
-Vs-
State of West Bengal & Ors.

Mr. Chanchal Kumar Dutta
Mr. Nirmalya Das Gupta
Ms. K. Mullick
... for the petitioner(s)
Mr. Swapan Banerjee, ld. AGP
Mr. Diptendu Narayan Banerjee
... for the State-respondent(s)

The petitioner contends that he is the nephew of the deceased, namely, Late Amal Coomar Bose. The deceased is presently preserved at the morgue of R.G. Kar Medical College and Hospital.

According to the petitioner, he is willing to give an undertaking to the police authorities for receiving the dead body for performing the last rites.

As there is an urgency for taking up the writ petition since the dead body is preserved from 1st February, 2025, this Court directed Mr. Swapan Kumar Banerjee, learned Additional Government Pleader, to appear on behalf of the State along with a junior of his choice. The appointment of both Mr. Banerjee and the junior of his choice be regularized.

Mr. Banerjee has taken verbal instructions from the concerned police station and, according to him, the dead body of late Amal Coomar Bose, is presently, lying at the morgue of R.G. Kar Medical College and Hospital. The police authorities have

refused to hand over the dead body to the petitioner without the consent of the brother of the deceased, who is still alive.

In view of the peculiar circumstances as there is no other claimant except the present petitioner to receive the dead body of late Amal Coomar Bose as also the fact that the petitioner is ready and willing to perform the last rites, in the given set of circumstances, I direct that on an undertaking given by the present petitioner that he is ready to take all responsibilities and face all the consequences at his own risk and peril and will not hold the police authorities responsible in the near future for granting permission to perform the last rites, the police authorities would grant permission for handing over the dead body of late Amal Coomar Bose to the petitioner, namely, Abhijit Bose on proper identification being furnished by him as the dead body has been lying since 1st February, 2025.

The police authorities would, on receipt of the server copy of this order, act forthwith.

With the aforesaid observations, WPA 2884 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

