

05-03-2025
Item No.4
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.5146 of 2025

XXX

-vs-

The State of West Bengal & Ors.

Mr. Debottam Das
Mr. Ramendra Nath Makhal
Mr. Dibyanjona Das
Ms. Nabamita Das
Mr. Tirupati Mukherjee ...for the petitioner

Mr. Vimal Kumar Shahi, AGP
Ms. Pratiti Das ...for the State

1. The petitioner is a victim under the POCSO Act. She is currently eleven weeks pregnant. She prays for a direction for permitting her to terminate the foetus which she is currently carrying as a result of the illegal act committed upon her.
2. Though it appears from the writ petition that a representation has been made before the police in February 2025, but there is no proof of service of the said representation upon the police.
3. It has been submitted by the learned counsel for the petitioner that a petition with the above prayer was prepared and sought to be filed before the learned Additional District & Sessions Judge (I), Special Court (POCSO) at Barrackpore, but the learned court refused to accept such application.
4. Learned counsel for the State produces a report of the Officer-in-Charge of Khardah police station

signed on March 5, 2025 which mentions that a letter was received from the learned counsel for the complainant, but no medical documents in support of the prayer was attached with the said application. Without the medical documents, the police were not in a position to proceed with the prayer of the petitioner.

5. As the investigation of the crime is still under progress, leave is granted to the petitioner to immediately forward all medical documents to the investigating officer by today itself.
6. On receipt of the same, positive necessary steps shall be taken by the investigating officer to consider the prayer of the petitioner. A decision shall be taken by the investigating officer within 48 hours thereafter. The fate of the request made by the petitioner shall be made known to her.
7. The writ petition is thus disposed of.
8. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
9. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

