

Sl.No.
38 06.05.2025
Court
No. 35
G.S.Das

WPA 9006 of 2025

Smt. Sukla Bhowmik
-Vs-
The State of West Bengal & Ors.

Mr. Mani Sankar Chattopadhyay
... for the Petitioner(s)

Mr. Susovan Sengupta, Id. Sr. Adv.
Mr. Tarak Karan
... for the State - respondent(s)

The petitioner is aggrieved by the fact that in spite of registration of Berhampore P.S. Case No. 459 of 2025 dated 05.03.2025, the police authorities have incorporated some Sections which have facilitated the private respondents/accused to be released on bail.

According to the petitioner, the injuries which were complained of at her behest, warranted appropriate Sections to be incorporated in view of the injuries inflicted upon her.

Additionally, it has been alleged

that after release on bail, the petitioner was threatened for withdrawing the case and the police authorities did not respond to the same.

Mr. Karan, learned advocate, appears for the State and submits a report which reflects that the investigation of the case is in progress relating to the subsequent information furnished of threats as also a case under Section 126 of the BNSS has been drawn up against one Viman Das.

Be that as it may, since the petitioner complains that she has medical documents in her custody to substantiate the nature of the accusations and the Section(s) of BNS to be incorporated, the petitioner would be at liberty to approach the learned jurisdictional Magistrate to take out an appropriate application relating to the Sections under which the case has been registered.

If the learned Magistrate, on perusal of the materials produced before the Court, is of the opinion that there has been dilution of Sections at the stage of registration of the FIR, in that case, the learned Magistrate would pass necessary directions upon the investigating authority.

So far as the other issues are concerned, the police authorities have drawn up a proceeding under Section 126 of the BNSS.

However, having regard to the fact that the petitioner, being the defacto-complainant, is a necessary witness to the case and is entitled to apply before the learned Magistrate under the Witness Protection Scheme, 2018. The learned Magistrate will call for a threat perception report; analyze the report, thereafter, pass necessary direction(s) under the Scheme.

In the meantime, the police

authorities would continue their surveillance and ensure that the petitioner is not faced with any further untoward incident as complained of which is being dealt with under Section 126 of the BNSS.

With the aforesaid observations, WPA 9006 of 2025 is disposed of.

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

Report so submitted be kept with the record. Copy of the report be handed over to the petitioner.

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.)

