

16.07.2025
Court No. 35
D/L. No.1
Rakib

W.P.A. 15634 of 2025

Prem Kumar Mondal.
VS
The State of West Bengal & Ors.

Mr. Sourav Chatterjee, Sr. Adv
Mr. Soumya Nag
Mr. Aditya Tiwari
...for the Petitioner.
Ms. Sonal Sinha,
Ms. Munmun Ganguly.
...for the State.
Mr. Mayukh Mukherjee
...for the Union of India.

Inadvertently, in the order dated 15.07.2025 the name of Mr. Mayukh Mukherjee, learned advocate was transcribed 'appearing for the petitioner', the same is an inadvertent error and should be read as "Mr. Mayukh Mukherjee, learned advocate appearing for Union of India".

Pursuant to the direction dated 15.07.2025 Mr. Mayukh Mukherjee, learned advocate appearing for the Union of India has submitted written instructions received from the Professor & Head, Department of Forensic Medicine & Toxicology, AIIMS Kalyani, wherein it reflects that there has been an upgraded infrastructure to handle all sorts of medico legal cases in the institute and it would be convenient for a detailed examination by the institute if the deceased is sent for medical examination to the mortuary of AIIMS Kalyani.

Mr. Chatterjee, learned senior advocate appearing for the petitioner is ready to incur the costs so far as the logistics supports are concerned regarding movement of the person of the deceased.

Accordingly, I direct that the Investigating Officer of the Manikchak Police Station case no. 519/2025 dated 04.07.2025 would accompany the hearse van. The Investigating Officer would be at liberty to take assistance of such number of police personnel which he deems fit his convenience. The parents and relations of the deceased would also be at liberty to accompany the hearse van. The present petitioner is the father of the deceased, the petitioner would identify the deceased in presence of the Investigating Officer before the Professor & Head Department of Forensic Medicine & Toxicology, AIIMS Kalyani. The head of department himself or any authorized expert on his subject would be at liberty to carry out a second post-mortem in respect of the deceased Srikanta Mandal.

The hearse van would in all circumstances reach AIIMS Kalyani by 01.30 P.M. on 17th of July, 2025. The Experts of AIIMS Kalyani would carry out the process for conducting a second post-mortem. The Investigating Officer is directed to handover the first post-mortem report after the post-mortem is over to the Head of the Forensic Experts who would be conducting the post-mortem examination.

Neither the Investigating Officer nor the parents or any relations will be allowed inside the place designated for carrying out the post-mortem examination. The videography of the process of post-mortem examination may be recorded and a copy of the same in pen drive be handed over subsequently to the Investigating Officer and the petitioner. The report, if any, if it is contrary to the earlier post-mortem examination be brought to the notice of the Investigating Officer of the case. The investigating officer will thereafter takes steps in accordance with law.

This order has been passed considering the circumstances of the present case and will not operate as a precedent in other cases.

So far as the other prayers are concerned, petitioner would be at liberty to canvass the same at a subsequent stage.

With the aforesaid observations WPA 15634 of 2025 is disposed of.

Written instructions submitted by Mr. Mayukh Mukherjee be kept with the record.

Liberty is granted to all the learned advocates to communicate the gist of the order so that the time schedule may be strictly adhered to.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)