

D/L 11
10.09.2025
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ct.no.35

W.P.A.19354 of 2025

X X X
Versus
The State of West Bengal & Ors.

Mr. Phiroze Edulji
Mr. Ranajit Roy
Mr. Amartya Dey
Mr. Rajdeep Halder
Mr. Souvik Ghosh
Ms. Soumili Choudhury
Ms. Priyanka Bhattacharya.
...for the petitioner.

Mr. Suman Sengupta
Mr. Sambuddha Datta
Mr. Sanatan Panja.
...for the State-respondents.

Mr. Arindam Chandra
Mr. Atish Ghosh.
...for Manipal Hospital.

The original medical documents are returned to the learned advocate appearing on behalf of Manipal Hospital. A photostat copy of the same set of documents have been handed over by the learned advocate which is retained with the records.

The medical documents made available before this Court and the report submitted by the Officer-in-Charge, New Market Police Station as well as the Officer-in-Charge, Shakespeare Sarani Police Station wherein both the Officer-in-Charge in their

report expressed that they have closed the enquiry and the medical report reflecting certain injuries in the forehead as well as bruises, I am of the opinion that the enquires are inconclusive.

Having considered that the said documents were not taken into consideration while conducting an enquiry and a cryptic medical sheet was the subject matter available at the time of enquiry which led the enquiry officer to arrive at their conclusion, for ends of justice and considering the sensitivity of the issue concerned, I direct the Commissioner of Police, Kolkata to engage an officer in the rank of Deputy Commissioner of Police who would take into account all the original medical documents from Manipal Hospital, thereafter assess whether a cognizable or non-cognizable offence is made out and accordingly proceed by registering FIR. In case the superior officer feels that there is a non-cognizable offence, appropriate permission be sought for from the learned CJM, Kolkata.

So far as the part of the investigation is concerned, this Court has left it to the Commissioner of Police to take a decision on the issue and is not judgmental or has not arrived at a final opinion. However, prima facie, this Court is of the opinion that the enquiries which have been conducted by the

Officer-in-Charge, New Market Police Station and the Officer-in-Charge, Shakespeare Sarani Police Station were not in consonance with the provisions of law for instilling the confidence of the complainant who intended to set the law into motion.

Let a copy of the order be sent by the learned Registrar General, High Court, Calcutta to the Commissioner of Police, Kolkata. The Commissioner of Police would adhere to the directions passed above and take necessary steps.

With the aforesaid observations, WPA 19354 of 2025 is disposed of.

Since no affidavits have been used by the State or the other respondents, the accusations made in the writ petition are deemed not to have been admitted.

There will be no order as to costs.

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

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

(Tirthankar Ghosh, J.)