

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

The Hon'ble **JUSTICE SUVRA GHOSH**

WPA 19643 of 2025

Hasana Begam
v/s.
The State of W.B. & Ors.

For the Petitioner:	Mr. Prabir Kumar Mitra, Sr. Adv. Mr. Achin Jana, Ms. Subhanwita Ghosh, Mr. Bhaskar Dolui Ms. S. Srivastava
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For the State :	Mr. Kishore Datta, Ld. AG. Mr. Swapan Banerjee Ms. Sumita Shaw Mr. S. Chatterjee
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Hearing concluded on:	12.11.2025
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Judgment delivered on:	28.11.2025
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SUVRA GHOSH, J. :-

1. One Mina Begum lodged complaint before Tamluk Police Station on 10th June, 2024 against the petitioner's son Sk. Hossain Ali alleging that he kidnapped her daughter and planned to marry her. Tamluk Police Station Case No. 505 of 2024 was registered on 10th June, 2024 under Sections 363/365 of the Indian Penal Code. The accused along with the victim girl were found in Himachal Pradesh. The accused was produced before the learned Additional Chief Judicial Magistrate, Nalagarh, District:- Solan, Himachal Pradesh on 28th June, 2024 and was brought before the learned

Chief Judicial Magistrate, Tamluk, Purba Medinipur on 1st July, 2024, by virtue of a transit remand issued by the earlier Court. He was remanded to judicial custody till 12th July, 2024. The accused was thereafter transferred to Midnapore Central Correctional Home for medical treatment and post-facto approval for such transfer was taken. The accused was found dead at the Correctional Home on 5th July, 2024 by allegedly hanging himself with a “gamchha” from a tree near the medical kitchen of the Correctional Home. An unnatural death case being Kotwali Police Station U.D. Case No. 482 of 2024 dated 5th July, 2024 was registered. The petitioner being the hapless mother of the accused lodged complaint before Kotwali Police Station, Paschim Medinipur on 4th October, 2024 alleging that her son was killed in an organised manner by some persons in connivance with police officials and Correctional Home officials. The petitioner prayed for preservation of the CCTV footages of Tamluk Sub-Correctional Home and Medinipur Central Correctional Home during the relevant period and conducting post mortem of the deceased in the presence of the learned Magistrate, the family members and for video recording of the same. Several lapses in investigation of the case were pointed out by the learned counsel before the Co-ordinate Bench. Considering the said lapses/anomalies/discrepancies, a Co-ordinate Bench of this Court, by a judgment delivered on 26th September, 2024 in WPA 17480 of 2024, directed the CID to register the case and conduct investigation. The Co-ordinate Bench dealt with all the issues raised by the learned counsel for the petitioner in the present application. The case was made over to the CID who is investigating the same.

2. Learned counsel for the petitioner has submitted that the investigation may be transferred to the CBI in order to ensure impartial, transparent and effective investigation. Learned counsel has placed reliance on the authorities in R.S. Sodhi v/s State of U.P reported in 1994 SCC (Cri) 248 and Rubabbuddin Sheikh v/s. State of Gujarat and Others reported in (2010) 2 SCC 200.
3. Learned counsel for the State has submitted that investigation has been conducted in a fair and impartial manner and is on the verge of completion.
4. I have considered the rival contention of the parties and material on record.
5. Investigation is being conducted by the CID pursuant to direction of this Court. The petitioner suspects foul play in the death of her son. The viscera report collected in course of investigation indicates that no poison was detected in the viscera of the deceased. The post mortem report prima facie indicates commission of suicide by the accused. No external or internal injury appears to have been detected in his person. The CID officials have recorded statements of witnesses including family members of the victim girl, other inmates/undertrial prisoners, Correctional Home officials, the petitioner and family members of the deceased. CCTV footage of Midnapore Central Correctional Home has been collected. The lapse, if any, in the autopsy and inquest could not possibly have been cured by the agency subsequently.
6. In the authorities referred to above, the Hon'ble Supreme Court has observed that in case of accusations against local police personnel or high

police officials of the State, it would be fit and proper to entrust the investigation to an independent agency like the Central Bureau of Investigation so that all concerned including the relatives of the deceased be assured that an independent agency is looking into the matter and that would lend the final outcome of the investigation credibility.

7. In such view of the matter, investigation was made over to the CID by the Co-ordinate Bench. After taking over investigation, no laches on the part of the agency is prima facie seen from the case diary. No fruitful purpose shall be served by transferring the investigation to the CBI at such belated stage of investigation which has been continuing from October, 2024 in connection with the incident which occurred in July, 2024.
8. In the said backdrop, the investigating agency is directed to continue the investigation in a fair, impartial and unbiased manner and take the same to its logical conclusion in accordance with law as expeditiously as possible.
9. With the above observation and direction, the writ petition is disposed of.
10. There shall however be no order as to costs.
11. Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.
12. Urgent certified website copies of this judgment, if applied for, be supplied to the parties expeditiously on compliance with the usual formalities.

(Suvra Ghosh, J)