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08.04.2025  
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ct.no.35

**W.P.A.24530 of 2024**

**Sundari Mandal  
Versus  
The State of West Bengal & Ors.**

Mr. Jayanta Narayan Chatterjee  
Mr. Sirshendu Sinha Roy  
Mr. Anindya Sundar Das  
Mr. Narayan Mondal  
Mr. Supreem Naskar  
Ms. Jayashree Patra  
Ms. Pritha Sinha  
Ms. Paramita Mondal.  
...for the petitioner.

Mr. K.J. Yusuf  
Mr. Parikshit Goswami.  
...for the State-respondents.

Petitioner has approached this Court being aggrieved by the investigation which is being continuing since 1<sup>st</sup> November, 2021 in connection with Mothabari P.S. Case No.354 of 2021 dated 01.11.2021 wherein in spite of registration of the case in the year 2021, till date the investigation of the case is continuing. The accusations are serious relating to custodial death. However, the police authorities could not collect any materials according to the petitioner and tried to cover up by taking aid of another case

being Mothabari P.S. Case No.310 of 2021 dated 27.09.2021.

Learned advocate for the petitioner submits that the case under Sections 399/402 of the Indian Penal Code has been used as a cover up for protecting the erring officials and the petitioner has been implicated in connection with the said case. However, the police authorities did not take any efforts for properly investigating the accusations made and there is a vast difference in respect of the medical check up report on 30<sup>th</sup> September, 2021 and the nature of injuries recorded in the postmortem report.

Whether the police officials of Mothabari Police Station is involved or the jail authorities are involved are never the headache of the petitioner. Petitioner has approached this Court for justice in respect of State being involved and contributing to the death of the husband of the petitioner. That being the scenario and the investigation of the case has been carried on in an indisciplined manner, I am of the view that both the cases being Mothabari P.S. Case No.354 of 2021 and Mothabari P.S. Case No.310 of 2021 must be transferred to the CID, Bhawani Bhawan, West Bengal. In case Mothabari P.S. Case No.310 of 2021 the investigation has been concluded, a further investigation be carried on under the

supervision of ADG, CID, Bhawani Bhawan, West Bengal to ascertain regarding the genuinity of the accusations.

The ADG, CID, Bhawani Bhawan, West Bengal will himself monitor the case as the accusations are serious relating to custodial death whether it would be custody of the police authorities or the jail authorities. There is lack of efforts by the local police station. Accordingly, the ADG, CID will depute an efficient officer of his choice from the Homicide Department, CID, West Bengal and call for report from the concerned officer on each and every 15 days to see the progress of the investigation.

It is further directed that none of the erring officials or the delinquent officials involved, be it of the police department or the correctional services concerned be left out from the ambit of the investigation as this Court takes serious note of the fact that the postmortem report reflects nature of injuries which are unexplained and an attempt has been made to cover up the delinquent police officials by implicating the petitioner in another case wherein other accused persons have been subsequently left out in a manner which is not appropriate in law.

In case the petitioner feels that the petitioner may face inconveniences or harassment because of

the present investigation being carried out by the ADG, CID, Bhawani Bhawan, West Bengal, it would be in the interest of justice that the petitioner be extended protection to the extent the ADG, CID feels deem fit and proper adhering to the provisions of Witness Protection Scheme, 2018.

With the aforesaid observations, WPA 24530 of 2024 is disposed of.

There will be no order as to costs.

Photostat copies of the case diary be returned to Mr. Yusuf, learned Additional Government Pleader appearing on behalf of the State.

If the petitioner is further aggrieved with the progress of the investigation, petitioner would be at liberty to approach this Court after three months.

Mr. Yusuf submits that as he required assistance from the officers of Mothabari Police Station, two of the officers were present. Since they have come to assist the learned Additional Government Pleader, the concerned department will consider their presence before this Court.

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.)***