

06.08.2025.
Court No.13
Item No. 4
ap/AP

(Assigned)
M.A.T. No. 2023 of 2024
With
I.A. No. CAN 1 of 2024

Rejaul Karim
Versus
Union of India & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Badrul Karim,
Mr. Kiron Sk.
Ms. Monalisha Sinha,
Mr. Sayed Hossain.

...For the appellant.

Mr. Milon Mukherjee, ld. Sr. Advocate,
Mr. Usof Ali Dewan,
Mr. Asif Dewan.

...For the respondent nos.14 & 15.

1. The instant intra court appeal is directed against the judgment and order dated 8th October, 2024 passed by a learned Single Judge of this Court in W.P.A. No. 21915 of 2024. By the said judgment, the learned Single Judge did not find sufficient reason or evidence brought by the writ petitioner/appellant for transferring investigation to another agency or to direct exhumation of the dead body for conducting fresh post mortem.

2. The brief facts relevant to the instant case are that the son of the appellant, namely, Tohid Karim (the respondent no.14 in the writ petition) was a student of Jakir Hossain Institute of Pharmacy in Jangipur, Murshidabad. He contacted his father on 12th August, 2024 at about 8:30 P.M. in a routine call and asked for

certain things to be brought in to his Hostel from home. On the next day in the morning i.e. 13th August, 2024 at about 8:04 A.M., the father called his son but the latter did not respond which is the first suspicious circumstance in respect of the incident, according to Mr. Chatterjee, learned Senior Counsel appearing for the appellant. The wife of the writ petitioner thereafter called the son's roommate one Mozibur, who is stated to have answered rudely that the victim had gone out somewhere. On being informed that the writ petitioner was reaching Hostel to look for his son, the said Mozibur is stated to have called the mother and informed her that her son died by hanging himself in the room. This is the second suspicious circumstance as per Mr. Chatterjee.

3. The hostel mates of the victim found that the room of the victim was locked from inside. For not receiving any answer they grew suspicious and broke the door open and found the victim hanging.

4. The police has stated to have arrived at the scene after sometime, most likely informed by somebody from the college or the students. There are photographs of hanging body of the victim taken by the police, annexed to the writ petition. The body was brought down and laid on the ground. The students took the body to the hospital where he was declared brought dead.

5. Mr. Sabyasachi Chatterjee, learned senior counsel for the petitioner/appellant would argue that this is the third suspicious circumstance and/or discrepancy since the inquest and/or Surathal in terms of Section 194 of the BNSS ought to have been conducted at the place of occurrence.

6. This Court is of the view that the hostel mates of the victim may have hoped to save the life of the victim and rushed him to the hospital which is a very natural reaction of fellow students and even the general public at large.

7. While it is true that the police arrived at the scene ought to have conducted an inquest at the same place, however, since there was no medical practitioner to declare the victim had died even the police may have been encouraged to take the victim to the hospital where he was declared brought dead. An inquest cannot be conducted unless a person is officially declared dead by a qualified medical practitioner. There can be no suspicious circumstance on this score.

8. In course of the inquest, the Sub-Inspector of Police did not find any external injuries on the body of the victim. This is further corroborated by the post-mortem report. The father of the victim was present during the preparation of the inquest report, and no

allegation of foul play was raised by him against any individual at that stage.

9. It is next stated in the writ petition that the parents of the victim went to the Raghunathganj Police Station to lodge complaint about the unnatural death of their son but the same was refused. The parents of the victim could have easily, sent a copy of the complaint by email duly marking one to the Superintendent of Police in terms of the procedure prescribed under the BNSS which does not appear to be done. On the contrary, the family received the body and conducted a funeral. The writ petitioner or his family members have not been indicated that they have found any injury on the body of the victim. If indeed, the family had thought that the victim had died under suspicious circumstances, which would have been confirmed had there been other injuries on the body, they ought to have waited and deferred the funeral and approach the highest authorities of the State, if not this Court. A zero FIR was lodged in the Englishbazar Police Station after the funeral.

10. While it is true that there may have been some delay in the registration of the FIR, the same would not ipso facto lead to any conclusion of suspicious circumstances around the death of the victim. The disinterested reply of the victim's friend to the mother

could be attributable to many reasons and cannot be a suspicious circumstance.

11. Mr. Sabyasachi Chatterjee, learned Senior Counsel appearing on behalf of the appellant has argued that there is a negligence on the part of the college being respondent No.14 in the writ petition in not informing the police about the incident immediately after its occurrence is a suspicious circumstance.

12. This Court is of the view that the police were duly informed by somebody for which reason they arrived at the place of occurrence soon thereafter and took photographs of the hanging body as well as after the body brought down. It would, therefore, be inappropriate to allege any negligence on the part of the College.

13. However, the Superintendent of Police, Jangipur Police District, shall look into the case diary and the investigation conducted and shall be at liberty to note any lapses in the investigation and take remedial measures including action against any erring police officials.

14. The Superintendent of Police shall also be entitled to take steps against the college if any negligence on its part is found in reporting the matter to the police.

15. It is submitted by the counsel for the respondent No.14 & 15 that the investigation has been completed and final report has been filed.

16. The jurisdictional Magistrate shall furnish a copy of the final report of investigation to the writ petitioner/appellant. The appellant may take steps in accordance with law against the said final report as he may be advised.

17. In view of the above, this Court finds no reason to interfere with the impugned judgment and/or order dated 8th October, 2024.

18. Hence, M.A.T. No. 2023 of 2024 is disposed of. Consequently, CAN 1 of 2024 is also disposed of.

19. There shall be no order as to costs.

20. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)