

28.01.2025
Item No.115
Ct. No.35
dc.

W.P.A. 28842 of 2024

**Jyotsna Mandal
versus
The State of West Bengal & Ors.**

Mr. Amitabha Ghosh,
Ms. Nabanita Chatterjee,
Ms. Arpita Dhar ... For the Petitioner.

Mr. Wasim Ahmed,
Sk. Md. Masud ... For the State.

Mr. Dhananjoy Banerjee,
Mr. Arup Kumar Bhowmick
... For the Respondent Nos. 5, 6, 8 & 12.

The petitioner is aggrieved by the fact that in spite of torture, physical assault and the consequences of physical torture being suffered, the police authorities have not been prompt to take action against the FIR named accused persons.

State has produced the case diary of Manikchak Police Station Case No. 410/2024 dated 12.06.2024.

I have perused the same and on consideration of the same, I am of the opinion that the investigating officer should be a bit more serious in respect of the investigation as repeat offences are taking place in between the selfsame parties. Having regard to the same and that the petitioner is at the receiving end, I direct that the learned Chief Judicial Magistrate, Malda would assess regarding the threat perception of the

petitioner by calling for a report from the local police station or any superior officer and provide adequate protection to the *de facto* complainant Jyotsna Mandal.

Learned advocate appearing for the State submits that there are some documents yet to be collected by the investigating agency and thereafter the investigating agency may be in a position to submit the report under Section 173 of the Code of Criminal Procedure.

Learned Magistrate would see to that the charge-sheet is submitted within a reasonable period of time as the nature of the case only suggests after seven months until and unless there are exceptional circumstances, there should be any reason further delay in submission of the report under Section 173 of the Code of Criminal Procedure before the jurisdictional court.

With the aforesaid observations, the writ petition being WPA 28842 of 2024 is disposed of.

Case diary be returned to the learned advocate appearing for the State.

There will be no order as to costs.

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.)