

S/L 18
14.05.2025
Court No.2
(Susanta)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION

WPA 1061 of 2025

XXX

Vs.

The State of West Bengal & Ors.

Mr. Bibek Tarafder,

... For the Petitioner.

*Ms. Bedashruti Bose,
Mr. Sourav Sarkar,*

.... For the State.

Mr. Sourab Kar,

...for the Respondent No.4.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

The petitioner is alleging that she is a victim of rape and on the said allegation, Rajganj Police Station Case No. 101 under Sections 115(2), 3(5), 351(2) and 64(4) of the Bhartiya Nyaya Sanhita, 2023 has started against the respondent no. 4 who is in the police custody now.

The petitioner is alleging that under a wrong impression and advice, she had refused to offer herself for Medico-legal examination. The petitioner is praying a further opportunity for such medical examination. She is also praying Police protection alleging that the respondent no. 4 and his associates are threatening her to withdraw the said criminal case.

Ms. Bedashruti Bose, learned advocate for the State submits that the petitioner had voluntarily declined to offer herself for the Medico-legal examination and she had never complained that such refusal was under any misconception or wrong advice.

Ms. Bose further submits that long time has elapsed after the commission of the alleged offence, therefore, the

medical examination would not be very fruitful in aid of the investigation, besides the petitioner is a married woman.

Learned advocate for the respondent no. 4 submits that his client has been falsely entangled in the case with intent to extort money.

Heard learned counsel for the parties, perused the materials on record.

It appears from the Case Diary that on March 28, 2025, the petitioner had expressly refused to offer herself for the Medico-legal examination, subsequently when her statement was recorded under Section 183 of the Bhartiya Nagarik Suraksha Sanhita, 2023 before the Magistrate, she never complained that under the wrong impression or influence she had refused to offer herself for such medical examination.

It is rightly submitted by Ms. Bose that after two months of commission of alleged offence, the Medico-legal examination would not be very relevant particularly, when the petitioner is married.

Therefore, the prayer of the petitioner for a further opportunity for such medical examination is refused, however, the Investigating Officer is directed to provide adequate protection to the petitioner.

WPA 1061 of 2025 is disposed of with the above observations without any order as to costs.

Parties to 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, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)