

Form No. J.(2)
Item No. 47
Sc

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

Present:
The Hon'ble Justice Aniruddha Roy

WPA 1904 OF 2025

Sri Ajoy Kumar Sarkar

Vs.

The State of West Bengal & Ors.

For the petitioner	:	Mr. Amit Saha, Adv. Ms. Poonam Kaur Mangat, Adv.
For the State	:	Mr. Subir Kumar Saha, Ld. AGP Ms. Bedashruti Bose, Adv.
Heard on	:	September 12, 2025
Judgment on :	:	September 12, 2025

Aniruddha Roy, J. :

Mr. Amit Saha, learned Advocate appears for the petitioner.

Mr. Subir Kumar Saha, learned Additional Government Pleader with
Ms. Bedashruti Bose, learned Advocate appears for the State.

The sole grievance of the petitioner is that, the wife of the petitioner has
suffered an unnatural death as alleged. The Post Mortem has been done.

The dead body has been cremated yet, the Post Mortem Report has not been provided to the petitioner till date. The cremation took place on **June 17, 2025**. There is no explanation from the State why the Post Mortem Report has not yet been provided since after **June 17, 2025**.

Learned Advocate for the State submits that, it is the responsibility of the respondent no.5 to issue the Post Mortem Report and to explain his conduct as to why till date the same has not been furnished.

The respondent no.5 is not represented. The respondent no.5 is not at all represented otherwise also, despite notice.

The fact is shocking. The cremation took place on **June 17, 2025** but till date the Post Mortem Report has not been provided.

The respondent no.5 is directed to transmit and send the Post Mortem Report to the respondent no.3 positively within **72 working hours** from date of communication of this order after carrying out all necessary formalities, if not carried out already required to be carried out strictly in accordance with law and the respondent no. 3 then shall handover the Post Mortem Report upon compliance of all necessary formalities required under the law to the petitioner positively within **two days** from the date of receipt of the Post Mortem Report from the respondent no.5.

This direction is peremptory and mandatory.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions the writ petition, **WPA 1904 of 2025** stands ***disposed of*** without any order as to costs.

Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)