
(2023) 12 CAL CK 0038
In the Calcutta High Court
Case No : WPA No. 27523 Of 2023

Prasanta Mallick

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 11-12-2023

Acts Referred:

Indian Penal Code, 1860 — Section 302

Citation : (2023) 12 CAL CK 0038

Hon'ble Judges : Jay Sengupta, J

Bench : Single Bench

Advocate : Hamidur Rahamanm, Nuronobi Seikh, Amitesh Banerjee, Tarak Karan

Final Decision : Disposed Of

Judgement

This is an application alleging police inaction in a murder case.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was employed in the CRPF. During an explosion, he became 90% disabled. On 25.10.2023, there was a scuffle between two groups over a 'Biswarjan'.

Two FIRs were lodged. CCTV camera recorded everything. Thereafter, the accused respondents threatened the petitioner and his family members over this issue. On 25.11.2023, when nobody else was there in the petitioner's house, the five accused entered the same and assaulted the petitioner's 63 years old mother. They set her on fire. She succumbed to the grievous injuries received. The petitioner called the police, who came and took away the body. The victim's daughter went to the police station to lodge a complaint, which was not received. Finally, an email had to be sent to the concerned Superintendent of Police. But, there was no result. The local police are now asking the petitioner to settle the matter.

Learned senior standing counsel representing the State submits as follows. No one came to lodge a complaint. However, after receiving email, the Superintendent of Police forwarded the complaint to the police station. They recorded an FIR under Section 302 of the Penal Code. The same is being investigated.

It is unfortunate that the police merely took the body, which showed signs of homicide. Yet, they stopped at only lodging a UD case. They could have either started a suo motu criminal case or have gone back to the residence of the family to record an FIR from the relatives.

Fortunately, the family had sent an email to the Superintendent of Police that led to the registration of the FIR, however, after a lapse of time. In fact, an FIR was registered on 09.12.2023.

Let a report be filed by the State on the next date of hearing about the progress of investigation.

The Investigating Agency shall also produce the case diary on the next date.

List this matter for hearing under the same heading 'To Be Mentioned' on 18th December, 2023.

The Officer-in-Charge of the Saktipur Police Station shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and that no harm is done to the petitioner and his family members.

The surveillance shall include sending frequent police patrols to the area.

In the event any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to call up the Officer-in-Charge of the local Police Station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.