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**(2020) 02 CAL CK 0048**

**In the Calcutta High Court**

**Case No : Temporary Number (AST) No. 10 Of 2020**

Uttam Basak

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

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**Date of Decision : 11-02-2020**

**Acts Referred:**

**Citation : (2020) 02 CAL CK 0048**

**Hon'ble Judges : Thottathil B. Radhakrishnan, CJ;Arijit Banerjee, J**

**Bench : Divison Bench**

**Advocate : Dheeraj Trivedi, Brajesh Jha, Tarun Jyoti Tewari, Ravi Ranjan Kumar, Arijit Majumdar, J. N. Pa, Sumit Chaudhury, Abhrotosh Majumder, Subhabroto Dutta, Anirban Mitra**

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## **Judgement**

1. This writ petition is filed on the premise that one Raj Kumar Shaw, who was in police custody, died while in such custody. The writ petitioner raises

certain issues touching the demise of Raj Kumar Shaw; the manner in which he was taken to the Police Station; legality or otherwise of his detention;

as well as various other matters connected therewith. Allegations are levelled against the police officials including those in-charge of the Police Station

concerned.

2. The first and foremost matter to be addressed is to ensure that there is an appropriate Post Mortem if the death of Raj Kumar Shaw is confirmed.

We have before us the learned Additional Advocate General on behalf of the State of West Bengal, Mr. Abhrotosh Majumder. He submits on the

basis of instructions of his officers that the matter has been registered and as of now, the Post Mortem procedure is going on in strict conformity with

the guidelines issued by the National Human Rights Commission regarding the manner of recording the Post Mortem in such cases. He submits that

videography and other activities are being carried out. He also submits that there is the involvement of the magistracy in the matter since that is the requirement of law. We record such submission.

3. In the light of the aforesaid, we direct that the Post Mortem on the dead body of Raj Kumar Shaw mentioned in the writ petition shall be carried out

in strict conformity with the guidelines issued by the National Human Rights Commission which apply to such cases and also in conformity with any

other guideline which may be in force. It may also be ensured that the law declared by the Apex Court and directions issued by that Court and any

direction issued by this Court touching such matters shall also be scrupulously complied with by the official respondents.

4. A report regarding the action taken following this order and also in connection with the Post Mortem of the dead body of Raj Kumar Shaw shall be

placed before this Court on the next date of hearing. We clarify that it is the responsibility of the respondents concerned to make and provide such

reports and materials as are required to be sent to the National Human Rights Commission in compliance with the directions of that authority which

apply to all such cases.

5. The State Government will serve a copy of the report, which will be filed in Court, to the learned counsel appearing for the petitioner.

6. Post on 25th February, 2020.

7. Let photostat copies of this order duly countersigned by the Assistant Registrar (Court) be supplied to learned counsel for the parties on usual undertakings.