

(2023) 12 CAL CK 0039
In the Calcutta High Court
Case No : WPA No. 20631 Of 2023

Uttam Mondal

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 11-12-2023

Acts Referred:

Indian Penal Code, 1860 — Section 306

Citation : (2023) 12 CAL CK 0039

Hon'ble Judges : Jay Sengupta, J

Bench : Single Bench

Advocate : Afreen Begum, Rajarshi Basu, Shehnaz Tareq Mina, Sandipan Ganguly, Dipanjan Dutt, Arkadeb Bhattacharya

Final Decision : Disposed Of

Judgement

Jay Sengupta, J

The application alleges police inaction in investigating a criminal case.

Report filed on behalf of the State is taken on record.

Perused the case diary produced on behalf of the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the father of the victim deceased and the de facto complainant of the case. The accused respondent had been torturing the victim for quite some time. There were number of cases registered in this regard. For the last six months, he was kept confined in the brick kiln owned by the private respondents. After the petitioner got information about the death of the victim, the FIR could be lodged. Initially, a charge sheet was submitted under Section 306 of the Penal Code, although the FIR was started under Section 302 of the Penal Code. This Court, by an order dated 19.09.2022, directed a further investigation to be conducted by a senior Officer to be appointed by the Commissioner of Police, ADPC. Although another Officer was engaged for investigation, but the outcome

was same. Relevant evidence was either not collected or was overlooked.

Learned senior counsel representing the private respondent submits as follows. The story of the victim to be detained by the private respondent for the last six months before death did not even find a place in the First Information Report. The injuries on the dead body would clearly show that it was nothing, but a case of suicide.

Learned counsel appearing on behalf of the State relies on the report and the case diary and submits as follows. The investigation has been done by the present Investigating Officer being the Assistant Commissioner of Police, Central-II, Asansol/Durgapur Police Commissionerate. Statements of witnesses were recorded, viscera report was collected and a statement of the doctor was also recorded. After the completion of further investigation, a supplementary charge sheet was submitted under Section 306 of the Penal Code.

It appears that the Investigating Agency has taken steps to conduct a further investigation and has already submitted a supplementary charge sheet.

Therefore, a bulk of grievances ventilated by the petitioner have already been redressed.

However, if the petitioner is still aggrieved with the outcome of investigation, he shall be at liberty to file a protest petition before the learned Trial Court, which shall be decided expeditiously and in accordance with law.

No further order need be passed in the regard.

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.