

SC & ST (POA) case no. 01 of 2020
CNR No. WBCS01-000007-2016

Order No.53
18.06.2026

1. By filing protest petition in respect of the final report submitted by the Investigating Officer in Bowbazer P.S case No. 381 of 2019 under Sections 341/323/506/509/34 IPC read with Section 3(1) (r) (u) (w) (ii) of the SC & ST (Prevention of Atrocities) Act, 1989, the defacto complainant of this case has made a prayer for passing order directing thereby any different Investigating Agency or CID to take up the case for proper an effective further investigation.
2. Upon perusal of the record it appears that initially this case was registered on 23.12.2019 at Bowbazer P.S and after completion of investigation final report was submitted against the accused person. However, by filing a protest petition on 15.11.2022 against the FRT filed by the Investigating Officer, the defacto complainant of this case then prayed for further investigation which was allowed by this Court vide order No. 24 dated 15.11.2022. Subsequently, after completion of investigation on 13.02.2023, the Investigating Officer submitted final report on the ground that the intiation of the case by the defacto complainant suffered from "mistake of fact" as the defacto complainant was suffering from schizophrenia prior to be initiation of this case at Bowbazer P.S on 23.12.2019.
3. By filing the instant protest petition, the defacto complainant submits that the Investigating Officer of the case did not deal with the complaint of the deacto complainant seriously and professionally but submitted FRT stating therein that the defacto complainant was suffering from schizophrenia. It is submitted that there is no law that debars a person suffering from schizophrenia to lodge an FIR in respect of any offence that has taken place
4. It is also submitted that the investigation done twice by the Investigating Officer are mere table-works and the defacto complainant was deprived of securing justice for herself. It is the submission of the defacto complainant that when the same Investigating Agency is directed by this Court to investigate the alleged offences, the investigation is done perfunctorily and therefore, the investigation in this case should be by some independent agency like CID. It is also submitted that the Investigating Officer who investigated this case filed FIR on the ground that the defacto complainant suffered from schizophrenia. It is submitted that under the law there is no bar for any person, who is suffering from schizophrenia, to claim his or her legal right or to lodge FIR. On the basis of the grounds as mentioned above the defacto complainant has prayed for further investigation of this case by the CID.
5. I have heard the Ld. Public Prosecutor as well as the Ld. Advocate for the defacto complainant. I have perused the case diary as well as the case record. It appears that the final report has been submitted twice in this case and the principal ground for submission of FRT by the respective Investigating Officer was that they examined some doctors and came to the conclusion that the defacto complainant is a schizophrenic patient. On the basis of the aforesaid findings based on the examination of doctors, the Investigating Agency/Investigating Officer submitted final report.

6. However, it appears that even if the complainant who is suffering from schizophrenia has lodged an FIR, more so under the special law i.e. the Scheduled Castes and Scheduled Tribes (Prevention and Atrocities) Act, 1989, so the Investigating Officer was required not only to investigate the mental state of the defacto complainant but also the factum of allegations brought by her which are prima facie offences under various clauses of Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention and Atrocities) Act, 1989.
7. Perusal of the final report shows that the Investigating Officer submitted final report since he was of the opinion that the defacto complainant was suffering from schizophrenia, but he did not make any attempt to find out or to gather evidence with regard to the allegations of the offences under various clauses of Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention and Atrocities) Act, 1989, as alleged by the defacto complainant in her written complaint.
8. Therefore, it appears that the Investigating Officer has done only half-hearted investigation and had come to the conclusion that there was "mistake of fact" with regard to the alleged incident. Therefore, the protest petition has merit and prayer is liable to be allowed.
9. **Hence, it is**

ORDERED

that the protest petition filed by the defacto complainant is accepted. The competent Investigating Officer is required to be appointed by the Commissioner of Police, Kolkata so that he can find out the truth into the allegations made by the defacto complainant in this case.

Let a copy of this order be sent to the Commissioner of Police, Kolkata to enable him to appoint one competent officer not below the rank of ACP (since it is a case of Scheduled Castes and Scheduled Tribes (Prevention and Atrocities) Act, 1989) to investigate the instant case and submit report to this Court.

To **29.08.2026** for report by the Investigating Officer. The protest petition is accordingly disposed of.

Dictated and corrected

Sd/-
Judge Bench-I, NDPS Act,
City Sessions Court, Calcutta.

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City Sessions Court, Calcutta.
JO Code No.WB00830