

2 **04.04.2022**
&
3 **gd/ssd**

WPA(P)/139/2022
SUMITRA BHATTACHARYYA (NEOGI)
VS
THE STATE OF WEST BENGAL AND ORS.
with
WPA(P)/142/2022
MARY DUTTA AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Rajdip Ray,
Mr. Pratip Chatterjee,
Mr. Manojit Bhattacharyya,
Mr. Chittapriyo Ghosh,
Mr. Kuldip Rai,
Ms. Mousomee Shome,
Ms. Anindita Banerjee,
Mr. Saikat Karmakar,
Mr. Anish Das
 ..for the Petitioner in
 WPA(P) 139 of 2022.

Mr. Pramit Kr. Ray,
Ms. Chandreyi Alam,
Ms. Susmita Saha Dutta,
Ms. Tiyaasa Biswas,
Mr. Sanjeeb Seni
 ..for the Petitioners in
 WPA(P) 142 of 2022.

Mr. S.N. Mookherjee, learned Advocate General,
Mr. Samrat Sen,
Mr. Anirban Ray,
Mr. T.M. Siddique,
Mr. Debasish Ghosh,
Mr. Nilotpal Chatterjee,
Ms. Manali Ali
 ..for the State.

Mr. Billadwal Bhattacharyya,
Mr. Tarunjoyoti Tewary,
Mr. Anish Kumar Mukherjee,
Mr. Amrit Sinha
 ..for the Respondent No.2 in
 WPA(P) 142 of 2022.

WPA(P) 139 of 2022

In WPA(P) 139 of 2022 learned Advocate General has produced the report in the form of affidavit as also the case diary. The report indicates that the victim had received multiple injuries and was found in critical condition. It further indicates that Special Medical Board has been formed by the concerned Medical College and Hospital for the treatment of the victim who is in Pediatric ICU. As per the report, offence against the accused persons has been registered and arrest has been made. A team of five officers including Additional Superintendent of Police, Basirhat Police District, SDPO of Baduria, Basirhat Police District, Deputy S.P. (DEB) Basirhat Police District, Inspector of Police, Circle Inspector, Swarupnagar, Basirhat Police District and O.C. of Anti Human Trafficking Unit, Basirhat Police District has been formed to supervise the investigation. But till now the statement of the victim under Section 164 of the Cr.P.C. has not been recorded.

The submission of learned Advocate General is that on account of critical condition of the victim her 164 statement is yet to be recorded and the same will depend upon the permission of the Medical Board.

Learned Advocate General has also submitted that the medical report will be placed on record within two days.

Counsel for the petitioner has sought for a short

adjournment to suggest the name of any higher officer of the police department who can also be made responsible for the supervision of investigation.

WPA(P) 142 of 2022

In WPA(P) 142 of 2022 in pursuance to the earlier direction of this court, learned Advocate General has produced the report in the form of affidavit as also the case diary. The report indicates that the statement of victim along with the concerned witnesses has been recorded under Section 164 of the Cr.P.C. and that arrest have been made and the investigation is in progress.

Counsel for the petitioners is granted time to suggest the name of any higher police officer under whose supervision presently the investigation can be carried out.

The supplementary affidavit has also been filed by the petitioners in this case disclosing the incident of rape and murder of 35 year old lady in the Nandipara Kuchencora area of Berachapa No.I Gram Panchayat within the jurisdiction of Deganga Police Station, North 24-Parganas. The allegation is that though the incident took place on 28th March, 2022, yet nobody has been reported to be arrested till now.

Another incident of rape of 13 year minor girl on the day of Dolpurnima by her two neighbours has been

mentioned and it has been stated that though the police has arrested two persons, but the men and agents of the accused are threatening the family members of the girl to withdraw the complaint.

Learned Advocate General has submitted that he will duly obtain instructions in respect of both these incidents and apprise this court about the stage of investigation. He will also ensure that the family members of the victim are not threatened or pressurised to withdraw the complaint.

Meanwhile, counsel for the petitioners in WPA(P) 142 of 2022 is also permitted to inform the respondent/Electricity Company about the next date of hearing.

List on 12th of April, 2022 high up in the list.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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