

21.05.2026
Court No. 12
Items 1 to 5
Cp/Gb

WPA 30365 of 2024

**X & Anr.
Vs.
Union of India & Ors.
with
CRA (DB) 236 of 2025**

**Sanjay Roy
Vs.
The Central Bureau of Investigation
with
CRR 3619 of 2025**

**XXX
Vs.
The Central Bureau of Investigation & Ors.
with
GA 2 of 2025**

**The Central Bureau of Investigation
Vs.
Sanjay Roy
with
WPA 1602 of 2026**

**Alleged rape and murder incident of a
trainee doctor in R.G. Kar Medical
College and Hospital, Kolkata
Vs.
NA**

Mr. Jayanta Narayan Chatterjee, Sr. Advocate
Mr. Sirsendu Sinha Roy
Mr. Debashis Banerjee
Mr. Supreem Naskar
Ms. Jayashree Patra

.....for the victim in
CRA(DB)/236/2025,
GA/2/2025
.....for the petitioner in
WPA/30365/2024,
WPA/1602/2026,
CRR/3619/2025.

Mr. Rajdeep Majumdar, Sr. Advocate
Mr. Amajit De
Ms. Arushi Rathore

.....for the CBI.

Mr. Kaushik Gupta, Sr. Advocate
Ms. Senjuti Chakraborti
Ms. Asmita De

.....for the appellant in
CRA(DB)/236/2025
GA/2/2025

Mr. Indrajeet Dasgupta
Ms. Debjani Ghosal
Mr. Gourab Maiti

.....for the Union of India.

Mr. Md. Zohaib Rauf

...for the respondent no. 2 in
CRR/3619/2025

It is directed that all the other matters shall be
detagged from the file, except WPA No.30365 of 2024.

Re: **WPA No. 30365 of 2024**

Heard Mr. Jayanta Narayan Chatterjee, learned
senior advocate for the writ petitioner and Mr. Rajdeep
Majumdar, learned senior advocate appearing for the
CBI.

Upon considering the submissions and the report
filed by the CBI, we are of the view that the investigation
which is continuing, should focus on the lapses which
have been identified by the CBI in the report dated March
28, 2025. The CBI has indicated such lapses on the part
of the police and the hospital authorities during the

investigation, prior to the investigation being handed over to the CBI. The same has been summarized in the report and are quoted hereunder for convenience:-

“Certain lapses have been found on the part of police and hospital authorities during investigation which have been placed on record before Hon'ble Supreme Court of India through Status Reports. The same are summarised as under:

a) There was an unexplained delay of about four hours in declaration of death from 09:30 AM (the time when body was first spotted) till 12:44 PM (the time when body was declared dead) on 09.08.2024. The death cum medical certificate was handed over to police at 13:47 PM.

b) Parents of the victim were not allowed to see the body of their daughter for almost three hours after they reached the hospital at around 1200 hrs despite their repeated requests on the pretext of legal formalities.

c) Unnatural Death (UD) Case No 861/24 was registered at 2330 hrs on 09.08.2024 in the prescribed form vide GD Entry No 576 as per the provision of Section 194 BNSS. Although, the police used UD case number 861/24 in their legal formalities including inquest and Post Mortem proceedings prior to formal registration of UD case.

d) There was a delay of about 14 hours in registering FIR in the case of rape and murder of on duty Trainee Doctor. Abhijit Mondal, the then SHO of Tala PS had received oral information at 10:03 AM regarding the incident of sexual assault and murder of trainee doctor and had also reached the SoC at around 11:15AM. Bare perusal of the body in semi naked condition and in injured condition could have led to registration of FIR straightaway. However, he started proceedings as per provision of Section 194 BNSS (S. 174 CrPC) instead of registering FIR u/s 173 BNSS (S. 154 CrPC). FIR was not registered even after getting a written complaint (although a sketchy one) from Medical Superintendent of R G Kar MC&H at 02:45 PM and also a written complaint at about 07:20 PM from the father of the victim after the Post Mortem was conducted. It was registered only at 11:45 PM thereby delaying the initiation of formal investigation of this grave incident.

e) Family members of the victim were asking for independent investigation and requested for preservation of dead body for getting second autopsy conducted at the time of lodging the complaint at the Tala Police Station. The police officers present at the Police Station did not entertain their request and conveyed that the dead body had already reached their home, by then. Further, the cremation was done out of turn by over taking three bodies waiting for cremation at the crematorium and father of the victim alleged that the cremation was done in a hurried manner.

f) On the part of hospital authorities including Principal, there was an unexplainable delay of about four hours in declaring the victim dead. At about 0940 hrs, Dr Sumit Roy Tapadar had inspected the body and found the victim dead. No formal complaint was submitted with complete information immediately for lodging an FIR in spite of the fact that the incident has occurred in the hospital premises. It took the hospital authorities almost five hours to send a written complaint to the Police Station that too a sketchy one and no details of the prima facie offence committed were mentioned in the complaint.

XII. With regard to destruction or tampering of evidence as alleged by the father of the victim, an in-depth investigation has been carried out. There are certain lapses on the part of police and hospital authorities while handling this grave incident, however, so far, no admissible evidence could be gathered to indicate any destruction of evidence or its attempt.”

As the CBI has highlighted the above issues, we are of the considered view that, the focus of the investigation should be directed towards all the surrounding circumstances of the fateful night, from the stage when the victim had dinner with her doctor friends till the time of cremation.

Although we do not comment on the credibility of investigating officer, we are of the view that considering the nature of the offence, the social ramification,

insecurity of women at work place, a special investigating team comprising of three members, headed by the Joint Director, CBI, Eastern Zone, be constituted within 48 hours from date which will investigate as directed hereinabove.

The team of officers shall not only focus on the issues relating to destruction of evidence or shielding any offender, but shall revisit the grievance of the petitioners to that extent. If required, the petitioners and any other person that the team may deem necessary, shall be interrogated. A comprehensive report be submitted before this Court on June 25, 2026, at 2 pm, when this writ petition will be heard again.

Mr. Majumdar, learned DSG, assures us that on the next day the case diary along with all relevant materials and documents will be produced.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Tirthankar Ghosh, J.)