

30.06.2021
Ct. No.8
S/L No.6
KS

(Via Video Conference)

W.P.A. 10505 of 2021

Sibani Sarkar

-Vs.-

The State of West Bengal & Ors.

Mr. Jayanta Samanta

.....For the Petitioner

Mr. Raja Saha

Mr. Amit Kumar Ghosh

.....For the State

The petitioner, Sibani Sarkar has complained of police inaction in not properly conducting the investigation by the investigating authority.

Background facts leading to this writ application is that writ petitioner's daughter Supriya Sarkar, since deceased, was married to Prosenjit Sarkar, son of Sujit Sarkar Charmardia, (Kakpara), P.O. Charbrahmanagar, P.S. Nawadwip, District Nadia in the year 2014 and she used to be subjected to mental and physical torture for demand of dowry at her matrimonial home by her husband and his relatives who had crossed all boundaries and ultimately set her fire on 04.04.2021. The deceased was rushed to Shaktinagar Hospital but she succumbed to her burn injuries on 5th April, 2021. The mother of

the deceased, Sibani Sarkar, the present writ petitioner herein lodged the First Information Report on the basis of which the specific being, Nabadwip Police Station Case No.125 of 2021 under Sections 498A/326/307/34 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, 1961 was started against husband, father-in-law and mother-in-law of the deceased. Prior to her death, she had stated to her mother that her younger brother-in-law namely, Bholanath Sarkar, elder brother-in-law namely, Satyajit Sarkar, sister-in-law namely, Sulekha Sarkar and Dipa Sarkar and one, Sanchita Ghosh also responsible for her death as her husband, Biswajit Sarkar had developed an illicit relationship with one, Sanchita Ghosh. The petitioner has sought for direction upon the respondent nos.2 and 3 to consider the representation of the petitioner by taking proper steps by issuing warrant of arrest against all the F.I.R. named accused persons. The action has been sought for to array Sanchita Ghosh as an accused responsible for the alleged crime because as she was in an illicit relationship with the husband of the deceased.

A report has been submitted on behalf of the State-respondents to the following effect that on receipt of written complaint from the writ petitioner, Nabadwip P.S. case aforementioned was started instantly and the investigation was

undertaken by the S.I., Siddhartha Roy who had prepared a sketch map and examined the complainant and available witnesses and by recording their statement under Section 161 of the Criminal Procedure Code and held raid and arrested accused namely, Alo Rani Sarkar and the husband of the deceased who are still in custody. I.O. also collected surathal report of the deceased and Section 306 Indian Penal Code was added on the prayer of I.O. The report further reflects that the Supriya Sarkar succumbed to her injury in the hospital in the next date. So, dying declaration could be recorded. However, statement of Disa Sarkar the minor daughter of the principal accused husband namely, Biswajit Sarkar and the deceased victim was recorded by the Judicial Magistrate and Section 302 of the Indian Penal Code was further added to the original section of law in connection with the investigation on the prayer of the I.O. Now, the investigation is in culminating stage charge sheet is likely to be submitted before the jurisdiction Additional Chief Judicial Magistrate. Therefore, it cannot be said that there has been any negligence in the investigation as alleged by the petitioner.

Having regard to the report of the State-respondents, this Court does not find any reason to direct the investigating authority to arrest the persons named in the writ petition

because the persons responsible for perpetrating the crime are already incarcerated in jail.

Thus, the writ application being, W.P.A. 10505 of 2021 is disposed of and decided accordingly.

(Shivakant Prasad, J.)