

**30.05.2024**

**jb/b.das.**

**W.P.A. 15024 of 2024  
(Safina Khatun vs. State of West Bengal & Ors.)**

**Mr. Tanmay Basu  
Mr. Debdip Mondal  
Mr. Subhajyoti Halder**  
.... For the Petitioner  
**Mr. Suman Sengupta  
Mr. Sanatan Panja  
Ms. Soma Chakraborty**  
.... For the State

Since respondents are represented, service upon them is dispensed with.

The instant writ application is filed under Article 226 of the Constitution of India by the victim girl, whose statement under Section 164 of the Code of Criminal Procedure, as is the grievance, has not yet been recorded by the Investigating Officer of Sagar Police Station in relation to F.I.R. no. 56/24 dated 16.03.2024 under Sections 341/325/354/506/34 of the Indian Penal Code.

It is submitted that the victim is ready and willing to cooperate with the Investigating Officer for recording her statement. She has written a letter addressed to the District Magistrate, South 24 Parganas, Director General of Police, West Bengal and Superintendent of Police, Sundarban Police District praying for recording

her statement under Section 164 of the Code of Criminal Procedure.

Investigation is still pending.

Learned Counsel for the State submits that investigation is still going on and statement of witnesses under Section 161 as well as under Section 164 of the Criminal Procedure Code have been recorded.

It is the submission of the learned Advocate for the State that the victim is not cooperating with the investigation.

There are conflicting claims on recording of the statement of the victim under Section 164 of the Code of Criminal Procedure. Without going into the factual finding, it will sub-serve justice if the willing victim/the writ petitioner gets her statement recorded under Section 164 of the Code of Criminal Procedure. Accordingly, the Respondent no. 2 being the Superintendent of Police, Sundarban Police District is directed to ensure safety, security of the victim and make arrangement for recording the statement of the victim under Section 164 of the Code of Criminal Procedure, 1973, if she is willing, within 30<sup>th</sup> June, 2024. In case the victim is unwilling to record her statement, the investigation shall proceed with accordingly. Except to this effect, the investigation is not interfered with.

The instant writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been filed, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

**(Sugato Majumdar, J.)**