

02.03.2017
Item No.01
SB

W.P. 26542 (W) of 2015
With
W.P. 26192 (W) of 2015
With
W.P. 10018 (W) of 2016
With
W.P. 17296 (W) of 2015
With
W.P. 15184 (W) of 2016
With
W.P. 15181 (W) of 2016
With
W.P. 15179 (W) of 2016

Ms. Debapriya Mukherjee.....for the petitioner in
W.P. 26542 (W) of 2015.

Ms. Pritha Bhowmick,
Mr. Paplak Basu.....for the petitioners in
W.P. 26192 (W) of 2015,
W.P. 15184 (W) of 2016,
W.P. 15181 (W) of 2016 and
W.P. 15179 (W) of 2016.

Mr. Jayanta Narayan Chatterjee,
Mr. Sirsendu Sinha Roy,
Mr. Debasish Banerjee,
Mr. Apalak Basu.....for the petitioners in
W.P. 10018 (W) of 2016 and
W.P. 17296 (W) of 2015.

Mr. Tapan Kr. Mukherjee,
Mr. Ashim Kumar Ganguly,
Mr. Bellal Shaikh,
Mr. Somnath Naskar.....for the State.

Mr. Mukherjee, learned Additional Government Pleader appearing for the State has placed before this Bench the instructions received by him from the Officer-in-Charge, Dum Dum Police Station pertaining to

W.P. 15181 (W) of 2016 i.e. the writ petition filed by Smt. Sanchayita Yadav. It is revealed therefrom that the statement of the victim under Section 164 of the Code of Criminal Procedure (hereafter the Cr. P.C.) has since been recorded on 28.02.2017 by the Additional Chief Judicial Magistrate, Barrackpore. It is also revealed that the investigation is in progress.

This Bench expresses hope and trust that the investigation shall be conducted and completed in accordance with law at an early date, whereafter appropriate police report under Section 173(2) of the Cr. P.C. shall be filed before the learned magistrate.

A grievance is voiced at this stage by the learned advocate appearing for Smt. Sanchayita Yadav that although she suffered blindness as a result of use of acid at the instance of the accused, the FIR has been registered, inter alia, under Section 326(B) of the Indian Penal Code. A prayer is made for a direction on the officer-in-charge to substitute Section 326(B) of the Indian Penal Code by Section 326(A) in the F.I.R.

This Bench is of the view that no direction, as prayed for, at this stage is necessary. It is, however, made abundantly clear that if in course of investigation materials are collected which would suggest commission of an offence under Section 326(A) of the Indian Penal Code, the investigating officer shall giving due regard thereto file appropriate police report (charge-sheet) mentioning such section.

Mr. Mukherjee has also placed before this Bench a notification dated 27.04.2015 issued by the Government of West Bengal, Home Department. The notification ordains that compensation of

Rs.3,00,000/- only for the victims of acid attack would be paid. This notification, to the mind of this Bench, would stand in the way of the petitioners, who are all acid attack victims and have received Rs.3,00,000/- on account of compensation, to receive any further amount for future treatment. The said notification is not under challenge. It would not be proper to make any direction for payment of further compensation to the acid attack victims, so long such notification subsists. Liberty of the petitioners to lay challenge to such notification is, however, reserved.

Mr. Mukherjee has also submitted that the previous order dated 24.02.2017 was available in the internet only yesterday and that the report required to be prepared in terms thereof could not be made ready.

Accordingly, hearing of this writ petition stands adjourned till 10.03.2017 when the requisite report shall be filed.

Photostat copy of this order, duly counter-signed by the Assistant Registrar (Court), be handed over to the learned advocate for the State on the usual undertakings.

Photostat copy of this order, duly counter-signed by the Assistant Court Officer be retained with the records of W.P. 26192 (W) of 2015, W.P. 10018 (W) of 2016, W.P. 17296 (W) of 2015, W.P. 15184 (W) of 2016, W.P. 15181 (W) of 2016 and W.P. 15179 (W) of 2016.

(DIPANKAR DATTA, J.)