

W. P. No.17163 (W) of 2019

Sanghamitra Saxena
Versus
The State of West Bengal & Ors.

Mr. Indrajeet Dey
.....For the Petitioner
Mr. A. P. Lahiri
Mr. S. P. Lahiri
.....For the State

Petitioner complains of perfunctory investigation with regard to a police complaint.

Learned advocate appearing for the petitioner submits that, the petitioner should be allowed to record a statement under Section 164 of the Criminal Procedure Code. The wearing apparels of the petitioner should be seized. The police be directed to investigate the angle appearing out of the statements under Section 164 of the Criminal Procedure Code.

Learned advocate appearing for the State submits on instruction that, the complaint of the petitioner was investigated into and a charge sheet bearing No.123/19 dated August 27, 2019 under Sections 341/ 323/ 427/ 511/ 506/ 509/ 34 of the Indian Penal Code was submitted before the Jurisdictional Court. He also points out that, the second complaint dated August 3, 2019 also resulted in a charge sheet being No.119/19 dated August 24, 2019 under Sections 448/ 323/ 506/ 34 of the Indian Penal Code.

Petitioner seeks to make a statement in respect of Belur Police Station Case No.146/19 dated August 3, 2019 in respect of which, charge sheet no.123/19 dated August 27, 2019 was submitted.

In the facts of the present case, since, the petitioner as a lady, complains that, there are ingredients of Section 354 of the Indian Penal Code satisfied so far as the complaint lodged by her, it would be appropriate to permit the petitioner to make a statement under Section 164 of the Criminal Procedure Code. Police will facilitate the petitioner making a statement under Section 164 of the Criminal Procedure Code with regard to Belur Police Station Case No.146/19 dated August 3, 2019 in which, the charge sheet No.123/19 dated August 27, 2019 was submitted. The police will also seize the wearing apparels and the medical certificates of the petitioner in respect of such complaint. In the event, the police come across any material arising out of the statements under Section 164 of the Criminal Procedure Code no doubt, the police will take appropriate measures for the purpose of further investigation into the same, in accordance with law.

W. P. No.17163 (W) of 2019 is disposed of.

No order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Debangsu Basak, J.)