

26.08.2025
Court No. 35
D/L 2 & 3
(Suman)

W.P.A. 15931 of 2025

**Subhash Chandra Paik @ Chandara
versus
The State of West Bengal & Ors.**

With

W.P.A. 15934 of 2025

**Shasanka Sekhar Das @ Sasanka Das
versus
The State of West Bengal & Ors.**

Mr. Kallol Mondal, Sr. Adv.,
Mr. Sourav Chatterjee, Sr. Adv.,
Mr. Moyukh Mukherjee,
Mr. Aditya Tiwari,
Mr. Kishan Ray,
Mr. Sauvik Das,
Ms. Sagnika Banerjee,
Mr. S. Kumar Singh
...for the Petitioners in both matters.

Mr. Kishore Dutta, Ld. Advocate General,
Mr. Swapan Banerjee, Ld. AGP,
Ms. Sumita Shaw,
Mr. Soumen Chatterjee
...for the State-respondents

Both the writ petitions have been preferred for the transfer of investigation, along with prayers for second post-mortem to be conducted in respect of the both the deceased i.e. Sudhir Chandra Paik and Sujit Das. The subject of writ petitions relate to Khejuri Police Station Case No. 384 of 2025 and Khejuri Police Station Case No. 385 of 2025.

Learned advocate, appearing on behalf of the petitioners submitted that the death of the victims are shrouded in circumstances that are not only suspicious but also deeply disturbing, revealing a shocking instance of brutality coupled with deliberate and conscious inaction on the part of the police authorities. From the very inception, the entire sequence of events reflect a clear attempt to shield the perpetrators of crime and manipulate the narrative in order to project the incident, that it is not a case of murder. A post-mortem was staged, which was absolutely contrary to the bruises on the body of the deceased and the same has raised questions regarding the authenticity as well as the will of the investigating agency for carrying out a free, fairz and impartial investigation.

Learned advocate, appearing for the petitioners placed the sequence of events as follows:

- (i) On the intervening night of 11th and 12th July 2025, a cultural dance programme was organized by the Muharram committee, Paschim Bhangnanbari Kolmore, District Purba Medinipur, which continued till the early morning hours of 12.07.2025. The said event was held from 11th to 16th July 2025, without any valid permission from the Local Police Authority.
- (ii) At around 4:00 AM on 12.07.2025, the petitioner was informed by the Village people that at

about 2:00 AM on 12th July 2025, Sudhir Chandra Paik collapsed under mysterious circumstances during the course of the programme along with another person, being Sujit Das, and that both were taken to Janka Hospital. However, when the petitioner reached the hospital at around 4:30 AM, he was shocked to see that no proper medical attention was provided to the deceased.

(iii) The conduct of the police authorities were absolutely shocking, and even after two hours of the fatal incident, the family members were not informed. Instead, they came to know the same from the villagers at about 4:00 AM that two of them were ill. Upon reaching Janka Hospital, the petitioner and other family members were shocked to find the lifeless bodies lying unattended in the corridors of the hospital.

(iv) When the petitioners approached towards the body, they realised that the persons have passed away and in spite of revealing their identity, the hospital staff and attending doctors initially refused to disclose any information about the circumstances relating to cause of death and prevented the family members from viewing the body of the deceased.

(v) At 4:30 AM on 12.07.2025, the body of the deceased was taken to Khejuri Police Station and were kept there till 2:30 to 3: 00 PM. The movement of the relations were restricted, and they were resisted from seeing the bodies of the deceased even after several requests were advanced. It was only when large number of villagers gathered and protested outside the police station, the authorities permitted access to the families.

(vi) It was observed that multiple injury marks were available in the body of the deceased persons, specially being bruises and injuries on the forehead, neck and lower back with visible bleeding. Soon, thereafter, inquest were conducted and the bodies were shifted for post-mortem to Tamluk District Hospital, after initial handling at Janka Hospital.

In connection with the aforesaid incident, two criminal cases being Khejuri PS case No. 384 of 2025 dated 12.07.2025 and Khejuri PS Case No. 385 of 2025 dated 12.07.2025 were registered for investigation under Section 103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023, against the 17 accused persons in each cases.

Learned advocate appearing on behalf of the petitioners submitted that the police authorities sent the body of the deceased persons for post-mortem examination

on 12.07.2025 to Tamluk Hospital and after coming to know the result of the post-mortem, petitioner's were shocked and surprised to learn that the post-mortem report stated that the cause of death was due to electrocution, despite clear evidence of multiple external injuries, which raised strong suspicion of foul play on the part of the police authorities. It has been complained that no post-mortem report was made available to the family members of the petitioners, and even after several request, the same was refused.

Petitioners preferred an appeal before the Hon'ble Division Bench being MAT 1233 of 2025 and MAT 1235 of 2025, wherein the Hon'ble Division Bench was pleased to direct a second post-mortem along with videography of the said second post-mortem of the two victims. The following paragraphs are relevant for the present case:

***“25.** In the facts and circumstances of the present case, two victims went to attend a programme where they died. Body of one of the victims bears some marks as appearing from the photographs which the appellants claim to be inflicted. Post Mortem Report of victims does not reflect such injuries as the photographs suggest. Autopsy Surgeon subsequently explained the absence of*

such injuries in the Post Mortem Report in a particular way.

26. *In our view, the explanation offered by the Autopsy Surgeon recorded in his statement under Section 180 of the BNSS is a judgement call which he took at the material point of time. Without casting any aspersion as to the quality of his judgement call or to the quality of the investigations so far undertaken, since the two bodies are still available a second opinion can be obtained. Second opinion will aid the investigations. It will also address the doubts raised by the appellants.*
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27. *In such circumstances, we direct a second Post Mortem alongwith videography of the second Post Mortem be held on the two victims.*

28. *The second Post Mortem of the two victims be held at SSKM Hospital. Superintendent, SSKM Hospital is requested to constitute appropriate team for such purpose. Reports of the second Post Mortem be kept in a sealed cover to be collected from the Superintendent, SSKM Hospital by the jurisdictional Superintendent of Police. The second Post Mortem Report will abide by the decision of the learned Single Judge in the pending writ petitions.*

The Post Mortem at SSKM be conducted under the supervision of the jurisdictional Judicial Magistrate.

Pursuant to the orders passed by the Hon'ble Division Bench. The second post-mortem report was placed before this Court. The second post-mortem report which was held by the Board of Doctors of SSKM Hospital, Kolkata – in respect of Sudhir Chandra Paik it was opined by the doctors of SSKM as follows:

“Death was due to the effects of electrocution associated with the antemortem injuries as noted above. Manner of death will be decided by circumstantial evidence.....”

However, so far as Sujit Das is concerned the opinion in the second post-mortem report reads as follows:

“All antemortem injuries noted above are sufficient enough to cause death of this individual and is homicidal in nature. These injuries were produced by application of force by hard blunt object over the affected parts and possibility of multiple assailants cannot be ruled out.....”

Surprisingly, in the first post-mortem report of Sujit Das which was prepared by Dr. Projjal Chakravarty, Assistant Professor & Head Department of Forensic Medicine & Toxicology, Tamralipto Govt. Medical College & Hospital, Tamluk it was opined as follows:

“Death was due to the effects of ante-mortem electrical injuries, as noted above. Further and final

opinion, if any may be given after the receipt of chemical and histopathological examination reports in the PM report.....”

I have taken into account the letter of complaint both in Khejuri PS Case No. 384 of 2025 and Khejuri PS Case No. 385 of 2025. In Khejuri PS Case No. 384 of 2025 the complainant was Subhas Chandra Paik (WPA 15931 of 2025) wherein the complainant alleged that from eye witnesses he came to learn that the accused persons with deadly weapons assaulted his father to death. In Khejuri PS Case No. 385 of 2025 the complainant Sasanka Sekhar Das (WPA No. 15934 of 2025) informed in his complaint that he came to know from eye witnesses that the accused who were associated with the Muharram Committee assaulted his son Sujit Das and Sudhir Chandra Paik to death.

I have also considered the case diary, the police authorities till date did not try to collect materials as to who were the eye witnesses who have seen that both the deceased were assaulted to death. Further the second post-mortem examination of Sujit Das is diametrically opposite to that of the first post-mortem report which was obtained from Tamralipto Govt. Medical College & Hospital.

Having regard to the factum of instilling public confidence in an investigation both in respect of the

manner of investigation process, the difference in the opinion of the Autopsy Surgeons and the fact that the incident happened simultaneously at the same place which raises a doubt after obtaining the second post-mortem report, I am of the opinion that it would not be safe to allow the investigation to be continued by the local police authorities of Khejuri Police Station.

Consequently, I am of the view that the investigation of both Khejuri PS case No. 384 of 2025 and Khejuri PS Case No. 385 of 2025 should be investigated by a specialized agency. Accordingly ADG, CID, Bhabani Bhaban, West Bengal is hereby directed to engage an Officer in the rank of DIG, CID, West Bengal who would form a Special Investigating Team from the Homicide Section of the CID, for the purposes of investigation of Khejuri Police Station Case No. 384 of 2025 and Khejuri Police Station Case No. 385 of 2025.

The investigating Officer of the aforesaid two cases are directed to handover all the documents relating to the materials collected to the office of the ADG, CID, Bhabani Bhaban, West Bengal who would immediately after receipt of the record take steps as directed above. The new investigating team will keep in mind while investigating the case the reasons which has been assigned

for transfer of investigation and carry out their efforts in both the cases for unearthing the truth.

The second post-mortem report along with the pen drive in respect of both the deceased were handed over in a sealed cover by the Doctors of SSKM Hospital. The same be handed over to the present investigating officer of Khejuri Police Station Case No. 385 of 2025 who would along with the two case diaries hand over the post-mortem report (with the pen drive and other documents) to the office of the ADG, CID, West Bengal.

A progress report in respect of investigation of both cases be submitted before this Court on 25th of September, 2025, when the writ petition will appear under the heading 'For Orders'.

The Case Diary of Khejuri PS Case No. 384 of 2025 and Khejuri PS Case No. 385 of 2025 be returned to the learned Advocate appearing for the State.

List the writ petition under the heading "For Order" on 25.09.2025.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)