

20.08.2025
Court No. 35
D/L. No.60
Rakib

W.P.A. 14334 of 2025

**Isha Sekh
VS
Superintendent of Police,
Jangipur Police District & Ors.**

Mr. Naba Kumar Das
Mr. Parvez Mallick
Mr. Debayan Roy Chowdhury
Mr. Sumangal Sil
...for the Petitioner.
Ms. Sonal Sinha
Mr. Ashmita Chakraborty
...for the State.
Mr. Omar Faruk Gazi
Ms. Susmita Das
Mr. Md. Muslehuddin
...for respondent no. 7 to 12.

Petitioner was aggrieved by the conclusion arrived at by the investigating agency in connection with Raghunathganj Police Station case no. 573/2025 dated 29.04.2025, as according to the petitioner the inquest and the post-mortem report were not in consonance with the physical appearance of the dead body of the deceased which the petitioner saw with his own eyes. Certain photographs have been enclosed which the petitioner claims to have been taken at the relevant point of time when the dead body of the deceased was hanging from the ceiling fan.

Learned advocate appearing for the petitioner has submitted written notes of arguments and relied upon number of judgments. Discrepancies were pointed out by the learned advocate both from the inquest report as well as the post-mortem report, so far as the timings and/or

other irregularities which were not matching one with the other.

State has submitted the Case Diary as also the report. Subsequent clarification was also obtained from the Autopsy Surgeon. However, on an assessment of the materials, particularly the photographs and the video recording at the time of Surathal, learned advocate who have inspected the same submitted that there were blunt trauma available on the body of the deceased.

Initially the Autopsy Surgeon did not afford any opinion and expressed his ability to form an opinion after the FSL Report was received. However, subsequently, during the pendency of the writ petition on the investigating officer placing his query, the opinion was expressed by the Autopsy Surgeon, independent of the FSL Report.

Although, the investigation in the case has already ended in a charge-sheet, however, the petitioner being the father has approached this Court being dissatisfied of the investigation, particularly with regard to the medical evidence which has been collected.

Considering the fact that in the post-mortem report the Autopsy Surgeon categorically recorded “no external injuries” and there were no reflection of any blunt trauma, I am of the view that a second post-mortem is called for in the circumstances of the present case.

Accordingly, the prayer for exhumation of the body of the deceased be allowed.

The petitioner will approach the learned A.C.J.M., Jangipur who in the presence of the relations and investigating officer and the accused will exhume the body of the deceased and send it for post-mortem to All India Institute of Medical Sciences (AIIMS), Kalyani.

Let the All India Institute of Medical Sciences (AIIMS), Kalyani submit their second post-mortem report in a sealed cover before this Court.

Let the process of exhumation be completed by 25th of August, 2025. Immediately after exhumation of the body the learned A.C.J.M., Jangipur will take proper acknowledgement from the persons who will be present, as referred to above. The investigating officer along with the relations of the deceased would accompany the body to All India Institute of Medical Sciences (AIIMS), Kalyani preferably within the same date concerned.

Let the second port-mortem report be placed before this Court on 29th of August, 2025 when the writ petition will appear under the heading "To Be Mentioned".

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)