

April 19, 2022
AD 2
Court No.1
SG

WPA(P) 168 of 2022
Pallabi Chatterjee and others
vs.
The State of West Bengal and others

Ms. Susmita Saha Dutta, Advocate
...for the Petitioners.

Mr. S.N. Mookherjee, Id AG
Mr. Amitesh Banerjee, Sr. Adv.
Ms. Ipsita Banerjee, Advocate
... for the State

Mr. Dhiraj Trivedi,
Ms. Susmita Sarkar, Advocates
... for the Union of India

Mr. Billwadal Bhattacharyya
Mr. Samrat Goswami, Advocates
... for the CBI

This petition has been filed with a prayer, inter alia to direct investigation of following incidents of rape by an independent agency:

- (1) Moynaguri incident: It is alleged that a 14-year-old minor girl was attempted to be raped by a man on 28.02.2022 and thereafter on 14.04.2022 two unknown persons had threatened her to withdraw the police complaint as a result of which she had set herself ablaze, but she was rescued and admitted in the hospital.
- (2) Netra Incident: In this incident of Netra village a minor girl of Netra village in the district of South 24 Parganas was allegedly sexually assaulted by a 45-year-old man.

The victim is a student of Class VI and on multiple occasions she was raped.

- (3) Namkhana incident: In the Namkhana rape case it is alleged that on 08.04.2022 a 40-year-old woman was gang-raped by five men in village Namkhana. Thereafter, the accused persons had poured kerosene inside the private parts of the victim and tried to burn her alive.
- (4) Shantiniketan incident: In the Shantiniketan rape case it is alleged that on 14.04.2022 an adibasi minor girl was forcibly picked up from a village near Shantiniketan and was raped by 3/4 persons by the bank of a nearby river.
- (5) Pingla incident: In the Pingla rape case it is alleged that on 11.04.2022 a physically handicapped lady was abducted and raped. The accused is stated to be an influential person and a leader of a political party.

Learned counsel for petitioners has submitted that the investigations are not being done properly in these cases and the victims and the witnesses have not been extended protection, therefore intervention of this Court is required.

Learned Advocate General has submitted on instruction in respect of the first incident, the arrest of

accused was made and thereafter bail was granted by the court and application for cancellation of bail has been filed which is likely to come up today. In respect of the second incident, he has submitted that the accused is a neighbour and the medical examination has been done and the investigation is also being carried out properly. In respect of the third incident, he has submitted that it is a case where the accused persons are relatives of the victim and two arrests have been made. MLC has been done and the statements of the victim and the witness have been recorded under Section 164 Cr.P.C. In respect of the fifth incident, he has submitted that the arrest has been made and the statement has been recorded under Section 164 Cr.P.C.

Having regard to the nature of the incidents which have been disclosed and the allegations which have been made, we direct learned Advocate General to produce the report relating to the progress and status of the investigation and also the case diaries in the above five cases on the next date of hearing.

Meanwhile, the competent authority of the State is directed to extend full protection to the victims and witnesses in these incidents.

List on 22.04.2022.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]