

April 12, 2022
Court No.1.
AD-1&2
SG

WPA(P) 139 of 2022

Sumitra Bhattacharyya (Neogi)
-versus-
The State of West Bengal and others

with

WPA(P) 142 of 2022

Mary Dutta and others
-versus-
The State of West Bengal and others

Mr. Rajdip Ray,
Mr. Pratip Chatterjee,
Mr. Manojit Bhattacharyya,
Mr. Chittapriyo Ghosh,
Ms. Anindita Banerjee,
Mr. Saikat Karmakar, Advocates
...for the Petitioner in
WPA(P) 139 of 2022.

Ms. Susmita Saha Dutta,
Mr. Sanjeeb Seni, Advocates
...for the Petitioners in
WPA(P) 142 of 2022.

Mr. S.N. Mookherjee, Id Advocate General,
Mr. Samrat Sen, Id AAAG
Mr. Anirban Ray, Id GP
Mr. T.M. Siddiqui,
Mr. Debasish Ghosh,
Mr. Nilotpall Chatterjee,
Ms. Manali Ali, Advocates
...for the State.

Mr. Billwadal Bhattacharyya,
Mr. Tarunjoyoti Tewari,
Mr. Anish Kumar Mukherjee, Advocates
..for the Respondent No.2 in
WPA(P) 142 of 2022.

Mr. Sumit Ray, Advocate
..for the Respondent No.4 in
WPA(P) 142 of 2022.

Learned Advocate General has informed
that in respect of rape of a minor girl at village

Nehalpur, the statement of the victim under Section 164 Cr.P.C. will be recorded today. He has pointed out the opinion of the medical specialist to the effect that the victim is oriented to time, place and person and is in a fit condition to give the statement. He has submitted that he will produce report in respect of the various steps which have been taken during the course of investigation after 4th April, 2022 by filing the report in the form of affidavit.

In respect of the incident at Nandipara, Kuchenkora area he has submitted that the culprit has been arrested and his confessional statement has been recorded.

In respect of another incident of rape of a minor girl on the day of Dol Purnima, he has submitted that two persons have been apprehended, one of them is minor and that the statement of victim under Section 164 Cr.P.C. has been recorded. He has also submitted that medical examination of the victim as also the accused has been done and the protection as directed by this Court has been extended.

Supplementary affidavit in WPA(P) 139 of 2022 has been filed by petitioner suggesting the name of Smt. Damayanti Sen, IPS stated to be posted as the Special Commissioner of Police to Kolkata Police, for supervising the investigation.

Learned counsel for petitioner has submitted that taking into account the past performance of Smt. Damayanti Sen and her independent way of working in earlier investigations, they have full faith that under her supervision, proper investigation will be done.

Learned Advocate General has no objection to the same except by submitting that she may not have sufficient time to involve herself in supervising the investigation.

Having regard to the nature of incidents and the allegations which have been made, we are of the opinion that a responsible senior lady police officer should be appointed to supervise the investigation.

Hence, considering the material pointed out to us, we direct that the investigation of the incidents at village Nehalpur, Nandipara, incident on Dol Purnima noted above as also the incident of rape at English Bazar will be done under the supervision of Smt. Damayanti Sen, IPS presently working as Special Commissioner of Police to Kolkata Police. If Smt. Sen has any difficulty in supervising the investigation, she will be at liberty to indicate the same to this court on the next date of hearing.

Learned Advocate General is directed to file the report in the form of affidavit in respect of the progress of investigation in all the above incidents on the next date of hearing.

List on 20.04.2022.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

