

TEM NO.31

COURT NO.8

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 43636/2018

(Arising out of impugned final judgment and order dated 16-06-2017 in WP No. 28435/2016 passed by the High Court At Calcutta)

TAHA DEGANI &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.  
(Appln. for c/d in filing)

Respondent(s)

Date : 16-04-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s)      Mr. Anurag Pandey, Adv.  
                                 Ms. Reena Pandey, Adv.  
                                 Mr. Bijan Kumar Ghosh, AOR

For Respondent(s)      Ms. Madhumita Bhattacharjee, AOR (State of WB)  
                                 Ms. Urmila Kar Purkyasthya, Adv.  
                                 Ms. Mitali Saha, L.S.I.

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

The petitioner approached this Court with the grievance that though FIR was registered with Khardah P.S., Case No.831/2016 for offences punishable under Sections 354,354A, 506 IPC, there was no proper investigation in the matter.

This Court issued notice on 14.12.2018, whereafter the learned counsel for the State of West Bengal has placed before us all the relevant material including the statements of the victim recorded under Section 164 and 164(A), Cr.P.C. We had also directed the investigator to remain present in Court. With the assistance of the learned counsel for the State, we have gone through all the relevant papers and documents.

It is a matter of record that the charge-sheet has since then been filed in February 2019 as against Prasenjit Chakraborty (driver of the vehicle) and Bapi Das (owner of the vehicle) for the offences punishable under Sections 354, 354A, 506 and 120-B IPC. It appears that assertions were also made against one more person, namely Joydev Ghosh to the effect that soon after the incident said Joydev Ghosh had called the mother of the victim and tried to pressurize the family in not pursuing with the complaint. However, according to the charge-sheet, the allegations against him after due investigation did not make out any offence and as such he was not sent up for trial.

Since the charge-sheet has been filed and the matter is still pending consideration before the appropriate Court, we refrain from dealing with merits of the matter. We, however, leave it to the concerned Court to consider the entirety of the matter and pass appropriate orders. If the Court is otherwise convinced of the role of said Joydev Ghosh, the Court would certainly be competent to pass appropriate orders. It is also open to the complainant to impress upon the Court if there is any grievance on any count.

We have not and shall not be taken to have expressed any opinion on the merits of the matter which will be gone into by the concerned court at appropriate stage.

With these observations, the special leave petition is disposed of.

Pending applications, if any, shall also stand disposed of.

(INDU MARWAH)  
COURT MASTER

(SUMAN JAIN)  
BRANCH OFFICER