

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Before:

The Hon'ble Mr. Justice Jay Sengupta

WPA 16922 of 2023

Safirul Sk.

Vs.

The State of West Bengal & Ors.

For the Petitioner : Mr. Sanjib Kumar Mukhopadhyay,
Ms. Prama Roy,
Ms. Aparupa Bhattacharya,
Ms. Nargish Parveen.

For the State : Mr. Pritam Choudhury,
Ms. Indrani Nandi.

Heard on : 05.10.2023

Judgement on : 05.10.2023

Jay Sengupta, J. :

1. This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to direct the DIG, CBI to cause an investigation into the unnatural death of the brother of the petitioner and to register an FIR over the said incident.

2. Learned Counsel appearing on behalf of the petitioner submits as follows. On 14th June, 2023, the brother of the petitioner had gone missing. On the next intervening night his dead body was found under the Sampriti Flyover. The body contained at least fifteen injuries. Yet, the police did not take adequate steps to unearth the truth. No FIR was registered. Only after a few days after filing of the writ petition, an FIR was registered. But, the same has not been properly investigated. The injuries found during the postmortem examination are not commensurate with the alleged story of falling off the bridge in a motorbike.

3. Learned Counsel appearing on behalf of the State relies on the case diary and submits as follows. It is true that there was some delay in lodging the FIR. However, in connection with UD case the postmortem examination had been promptly done, which showed infliction of several injuries on the dead body. This prompted the investigating agency to seek a further opinion from a medical expert. The medical expert opined that injuries were caused due to a fall from a height. A report of the CFSL regarding the motorcycle in question was also received. The opinion of the forensic expert was that it appeared to be a case of road traffic accident where the said motorcycle dashed in a reckless manner in the parapet of the Flyover. During investigation, witnesses were examined and there was a CDR analysis done of the relevant phone number. Investigation is going on and a report in final form would soon be submitted.

4. After hearing the parties and on perusal of the case diary, it does not appear that there is any infirmity in the manner into the investigation is being done.

5. The postmortem report and the forensic report regarding the motorbike point towards a particular conclusion. However, further investigation shall be done with an open mind.
6. Let the Investigation Officer conclude the investigation expeditiously and in accordance with law.
7. No further order need be passed in this regard.
8. With these observations, the writ petition is disposed of.
9. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)