

01.12.2021.
Item No. 31.
Court No.13
pk

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**W.P.A. No. 10997 of 2021
(Through Video Conference)**

**Mahindra Nath Pradhan
Versus
The State of West Bengal & Ors.**

Mr. Sourabh Guha Thakurta,
Mr. Sourav Sardar.

..For the petitioner.

Mr. Amitesh Banerjee,
Mr. Partha Pratim Roy,
Mr. Siraj Gooptu

... for the State.

An unfortunate incident has occurred on 28.12.2018 where the victim boy had died in the jurisdiction of the Shibpur Police Station upon being allegedly lynched by a mob.

It appears from the records that the victim boy, most likely under influence of alcohol, was driving a vehicle which had a hooter and signal lights. The vehicle hit a motor cycle that was carrying a couple, who fell down. A local mob gathered who may have inflicted serious injury on the victim. The victim was recovered from the place of occurrence by Shibpur Police and taken to South H. D. Hospital.

The victim was later shifted to Nightangle Nursing Home, a private medical facility at the instance of the parents where he succumbed to injuries. There is a communication from one Dr.

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Sabyasachi Sen to address the Shakespeare Sarani Police Station indicating that the parents of the victim did not want a post mortem and that an N.O.C. was required to hand over the body to the family. A further letter is also produced by the State written by the cousin brother of the victim to the O.C., Shibpur Police Station to receive the body and that he has no grievance or allegation against anybody.

This Court notes Rule 299 of the Police Regulation of Bengal, 1943 which prescribes that U D case ought to have been registered by the Shibpur Police Station and transmitted to the Shakespeare Sarani Police Station under whose jurisdiction the death occurred.

There is undoubtedly some lapse on the part of the Shibpur Police Station and the Shakespeare Sarani Police Station in not having registered an unnatural death case on the day of occurrence or death. It appears to this Court that the Shibpur and Shakespeare Sarani Police Stations may have acceded to the request of the family of the deceased boy not to register any case or commence any investigation. Such request of family of victim, who have died in unnatural circumstance and particularly where there is drunken driving is not unnatural.

Be that as it may, it appears from records that it is only after 10 months of the incident that the parents

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of the deceased boy lodged a formal complaint for investigation. This Court is of the view that the registration of FIR and investigation into the death after ten months may be an exercise in futility and it is unlikely that any person, who may have been involved in the lynching of the victim, will be traced out.

This Court is, therefore, of the view that no relief can be granted to the petitioner in the instant proceeding.

This Court notes the lapse on the part of the Shibpur and the Shakespeare Sarani Police Stations in not registering an UD case or conducting investigation thereon.

The D. G. P, West Bengal/Commissioner of Police, Kolkata may therefore conduct an enquiry into the conduct of the then Officers-in-Charge, of the Shibpur and Shakespeare Sarani Police Stations and take suitable steps in that regard.

The Case diary and papers may be returned back to the concerned police station.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)