

26.04.2022.
Item No. 33.
Court No.13
ap

W.P.A. No. 4075 of 2022

**Madhu Singh
Versus
The State of West Bengal & Ors.**

Mr. Soumya Majumder,
Mr. Ravi Kumar Dubey.

...For the petitioner.

Mr. Samrat Sen, AAAG,
Ms. Manali Ali.

...For the State.

This Court has considered the report of Sri Indrajit Basu, who is posted as an Additional Superintendent of Police, Zonal, Baruipur Police District dated 19th April, 2022. The Additional Superintendent of Police, Baruipur Police District has admitted lapses on the investigation.

This Court sees from the records that a large number of other lapses which have not been addressed by the Additional Superintendent of Police.

Counsel for the State has sought to explain that the Superintendent of Police, Baruipur Police District went on leave on 19th April, 2022 on the same day after approving this report on 19th April, 2022.

It is not however understood as to why the Superintendent of Police, Baruipur Police Station has not signed the report himself. If the Additional Superintendent of Police was signing the report on

behalf of the Office of the Superintendent of Police, the same shall have to be indicated.

This Court is not satisfied also with the punishment of "Censure" on the Investigating Officer, ASI, Arnab Chakraborty imposed by the appointing authority.

It appears from the report dated 19th April, 2022 that the said was recently promoted from Constable to ASI and entrusted investigation.

This Court is, therefore, of the view that the entire file as regards the conduct of investigation by ASI, Arnab Chakraborty must be looked into by a higher authority.

The Director General of Police, West Bengal, shall be transmitted a copy of the writ petition by the Counsel for the petitioner as expeditiously as possible together with all orders passed.

The report of the Inspector-in-charge, Narendrapur Police Station of Baruipur Police District along with the report of the Superintendent of Police, Baruipur Police District dated 19th April, 202 shall also be forwarded to the DG.

The Director General of Police, West Bengal shall call for the records and consider drawing up of appropriate departmental proceeding against the ASI, Arnab Chakraborty and any other person that the Director General of Police, West Bengal may feel is responsible for misleading this Court.

Let a report from the Director General of Police, West Bengal be placed before this Court on the adjourned date.

The investigation of the Narendrapur P.S. in the instant case has been admittedly perfunctory. The investigation into the Narendrapur P.S Case No. 137/2022 dated 03.02.2022 shall therefore be handed over to the CID, West Bengal. The case diary and the charge-sheet already filed along with all evidence collected shall also be handed over.

The CID, West Bengal shall at its own discretion file supplementary and/or fresh charge-sheet after conducting an independent investigation of its own. For the aforesaid purpose, the restrictions under the Code of Criminal Procedure on the CID, West Bengal shall not apply.

Let this matter stand adjourned and be listed on 7th June, 2022 under the same heading.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)