

WPA(P) 139 of 2022

**Sumitra Bhattacharyya (Neogi)
Vs.
The State of West Bengal & Ors.**

With

WPA(P) 142 of 2022

**Mary Dutta & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Rajdip Ray
Mr. Pratip Chatterjee
Mr. Manjit Bhattacharya
Mr. Kuldip Rai
Mr. Saikat Karmakar
Mr. Chittopriyo Ghosh
Ms. Mousomee Shome

... ... for the petitioner in WPA(P) 139 of 2022

Ms. Susmita Saha Dutta
Ms. Mary Dutta
Ms. Sabita Roy
Ms. Ashima Roy Chowdhury
Ms. Pallabi Chatterjee
Ms. Sana Naaz
Ms. Shaista Afreen
Ms. Sarda Sha
Ms. Rini Bhattacharya
Ms. Sanchita Barman Ray
Mr. Sanjeeb Seni

... ... for the petitioners in WPA(P) 142 of 2022

Mr. S.N. Mookherjee, AG
Mr. Samrat Sen AAAG
Mr. Anirban Ray, GP
Mr. Md. T.M. Siddiqui
Mr. Debasish Ghosh
Mr. Nilotpall Chatterjee
Ms. Manali Ali

... ... for the State

Mr. Billwadal Bhattacharyya
Mr. Tarunjyoti Tewari
Mr. Anish Kumar Mukherjee

... ... for the respondent no.2 in WPA(P) 142 of 2022

These petitions are at the instance of the practicing advocates of this Court. WPA(P) 139 of 2022 is at the instance of one lady practicing advocate whereas in

WPA(P) 142 of 2022 as many as eight lady practicing advocates of this Court have come to this Court raising the issue relating to two incidents of rape of minor girls.

It is disclosed in the petition in WPA(P) 139 of 2022 that on or about 23rd March, 2022 a minor girl aged about 11 years of village Nehalpur has been subjected to brutal torture and gang rape at a lonely place. Newspaper report has also been placed on record stating that she was not only raped but a stick was also pierced into her private parts. It is submitted by the learned counsel for the petitioner that on account of the brutal act her private parts are damaged and intestine has been ruptured.

In WPA(P) 142 of 2022 another incident of rape upon a minor girl within the jurisdiction of English Bazar Police Station has been highlighted wherein it is alleged that one of the neighbours by tying her hands and feet and raising a firearm had committed rape.

Submission of learned counsel for the petitioner in the first petition is that the petitioner is apprehending that the fair investigation will not take place and that the petitioner or other persons are not allowed to meet the parents of the victim to know the real situation.

It is also submitted that medical condition of the victim is not known. Therefore, at least the medical bulletin in regular intervals should be released by the hospital authorities and the parents of the victim have disclosed that the police authorities have taken their

thumb impression on the blank papers which may be misused and that the medical practitioners from other hospitals should be allowed to examine the victim.

In the second matter it has further been alleged that the incident of sexual violence against women is increasing in West Bengal and in last fifteen days as many as eleven such incidents of rape on minor girls have taken place and that in the village roads after sunset there is no street light which gives an opportunity to commit such crimes.

A prayer has been made to get the investigation done by constituting the Special Investigation Team or by the CBI.

Learned Advocate General has stated that the investigation is being done properly and the medical condition of the victim of alleged gang rape has now improved and she is conscious. He has further submitted that there is no objection in releasing the medical bulletin about the health of the victim and that the matter is being properly investigated.

Having regard to the seriousness of the matter, we direct the learned Advocate General to produce the report in the form of affidavit about the stage and status of the investigation along with the case diary. He is also directed to produce a report relating to the medical condition of the victim. A direction is also issued to provide all possible medical facility and treatment to the

victim. The parents of the victim may be permitted to visit the victim on the medical advice.

It has been disclosed before this Court that a medical board has been constituted. Let this board be comprised of the senior expert doctors of the hospital and if the need so arises the head of the hospital may include experts from other hospital also.

Let the report as directed above and the report relating to compliance of this order be submitted on or before the next date of hearing.

List on 4th April, 2022 high up in the list.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)