

05-07-2023
ct no. 14
Sl. 21
Sayandeep

WPA 15808 of 2023
Rajkrishna Bhunia
-Versus-
The State of West Bengal & Ors.

Mr. Kaustav Chandra Das
Ms. Rini Bhattacharyya
.....for the petitioner

Mr. Amitesh Banerjee
Mr. Suddhadev Adak
.....for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's son is a political activist. He wanted to put up a flag at his residence when the goons of the ruling party pounced upon him and assaulted him with sharp cutting weapons. In the process, the petitioner's son lost one of his eyes. In spite of this, an FIR was registered only under Sections 323/325/34/341/506 of the IPC. No offence under Section 326 of the IPC was imputed. That is the reason why the miscreants are running scot free. Furthermore, in fear of those anti-socials, the petitioner and his family members had to flee from their home and need police protection to come back.

The learned Senior Standing Counsel appearing on behalf of the State submits that he

needs to consult the case diary before taking the stand.

It appears from the outdoor ticket annexed by the petitioner that the son of the petitioner had received a trauma on his right eye. His Iris(R) has fully collapsed. Thus, a prima facie case has been made out for addition of Section 326 of the IPC.

List this matter for hearing on 11th July, 2023.

The State shall produce the original case diary on the that date.

In the meantime, the investigating officer shall consider the issue of addition of Section 326 of the IPC to the charges if the same is made out.

In the event, the petitioner wants to return to his residence with his family in the meantime, let him report before the police station so that adequate police protection can be given to him and his family members for their return.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)

