

07 04.07.2023
NB Ct. 14

WPA 15645 of 2023

Smt. Baishali Samanta @ Baisali Maparu (Samanta)
Vs.
The State of West Bengal & Ors.

Mr. Subir Sanyal,
Mr. Indrajeet Dasgupta.
...for the petitioner.

Mr. Amitesh Banerjee,
Mr. Suddhadar Adak.
...for the State.

Mr. Billwadal Bhattacharyya Id. DSGI,
Mr. Suhanta Chakraborty.
...for the CBI.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner's husband was taking part in political campaign in the ensuing Panchayat Election, 2023. He was threatened with dire consequences by supporters of the ruling party. In the meantime, the father-in-law of the petitioner aged about 82 years passed away due to natural causes. Some local hooligans belonging to the said party came to the house and assaulted the petitioner and her husband. The husband lodged a complaint with the police. But, the police instead of investigating into the allegations, forcibly took away the dead body of the father-in-law. After some time the miscreants again came and brutally assaulted the petitioner's husband. The husband succumbed to the injuries. The miscreants belonging to the other party are following the petitioner everywhere, even in Court. In the meantime a bogus

complaint was lodged by taking thumb impression of the mother-in-law who was an illiterate lady. The petitioner in fact sent an e-mail to the concerned Superintendent of Police requesting preservation of the body so that proper postmortem can be done. But, without doing so, the police authority cremated the body.

Learned counsel representing the State submits as follows. The dispute between the relatives over property is being given the colour of political vengeance. There was a dispute between the man and his brother's wife regarding the property in question. The deceased committed suicide. The police took proper steps and had a postmortem examination done over the dead body. The State would like to file a detailed report in this regard.

Let the State file a report in the form of an affidavit incorporating the sequence of events and the steps taken by the police authority after the same was reported to them, not only about the murder but also about the assault on the alleged victims. The report should also contain a copy of the postmortem report of the deceased.

Let the report be filed by 11th July, 2023.

An advance copy of the same shall be handed over to the learned counsel for the other side.

Liberty is granted to take exception within two days from supply of the report.

List this matter for hearing under the same heading on 13th July, 2023.

In the meantime, the State shall ensure safety and security of the petitioner and shall take proper steps in this regard.

The State shall produce the case diary on the next date.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)