

Kushal Chatterjee

Advocate

High Court, Calcutta

Bar Association Room No.2

Residence & Chamber

P-128, Scheme VI-M, CIT Road,

Kakurgachi, Kolkata -700054

(M) 9830596414

Date: 10.02.2017

To,

1. The Learned Government Pleader,
High Court, Calcutta
2. The Superintendent of Police, South 24 Parganas,
Alipore, Kolkata – 700 027.
3. The Special Superintendent of Police, Bhawani
Bhawan, CID, West Bengal, Kolkata – 700 027.
4. The Inspector General-I, CID, Bhawani Bhawan,
Alipore, Kolkata – 700 027.
5. The Director General of Police, Bhabani Bhavan,
Kolkata – 700027.
6. The Office-in-Charge, Gangasagar Coastal Police
Station, South 24 Paraganas, Pin-743606.
7. Sheikh Hasanur, son of Ansar,
8. Hafiza Bibi, wife of Ansar,
9. Sheikh Ansar, son of Ismile,
10. Ansarun Bibi, wife of Nowsar,
11. Sheikh Nowsar, son of Khadim,

All from 7 to 10 are residing at village Gangasagar,
P.S. Gangasagar Coastal, South 24 Parganas.

Re: **W.P. 3775 (W) of 2017**
Manik Lal Patra

.....Petitioner

-Vs-

The State of West Bengal & Ors.

.....Respondents


Sir(s),

Enclosed please find herewith a copy of the abovenamed Writ Petition alongwith all annexures which has been filed in this Hon'ble High Court at Calcutta and which will be listed before the Hon'ble Justice Joymalya Bagchi on 21.02.2017 or so soon thereafter as soon as possible as per the business of this Hon'ble Court permits.

Please acknowledge the receipt of the same.

Thanking you,

Encl: As above.

Yours truly,

Advocate

District: South 24 Parganas

In The High Court at Calcutta
Constitutional Writ Jurisdiction

Appellate Side

W.P. No. 3775 [W] of 2017

In the matter of:

Subject matter relating to, under
Group- ix, head iii, of the
classification list.

And

In the matter of:

Shri Manik Lal Patra

... Petitioner

Versus

The State of West Bengal & Ors.

... Respondents

Advocate-on-Record

Kushal Chatterjee,
Advocate,
Bar Association Room No. 2,
High Court at Calcutta.

District: South 24 Parganas

In the High Court at Calcutta
Constitutional Writ Jurisdiction

Appellate Side

W.P. No. 3975 [W] of 2017

In the matter of:

Shri Manik Lal Patra

... Petitioner

Versus

The State of West Bengal & Ors.

... Respondents

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LIST OF DATES

07.09.2016: That Ansarun Bibi, being the private respondent herein at about 1:00 P.M, molested and tried to kidnap the sister of the petitioner herein namely, Manasi Patra but such attempt on having being interfered with and interrupted by the local people then present, the said private respondent fled, thereby leaving the sister of the petitioner herein but after some time Sheikh Hasanur, being the private respondent herein, called the forenamed Manasi Patra and had a talk with her exclusively.

08.09.2016: That at about 05:30 in the evening, when the said Manasi Patra while on way to her residence, was stopped by the forenamed Sheikh Hasanur near the Larika Guesthouse and molested her. But due to resistance of the locals, the said private respondent herein left the sister of your petitioner. That thereafter on or about 7:00 P.M.

on the same date, the petitioner's sister went missing and your petitioner and the other family members started searching for her and on interaction with the local people of the said area, your petitioner came to know of the fact that the said private respondent namely, Sheikh Hasanur used to disturb the sister of your petitioner and forced her to get involved into illegal and immoral activities. That after three days of intense searching for the sister of your petitioner, your petitioner was unable to trace her out and from the interaction with the private respondents as well as the locals, your petitioner found out that the private respondents have kidnapped your petitioner's sister and had forcefully indulged her into flesh trade.

12.09.2016:

The petitioner after thorough investigation by himself, and after intense search for the sister of

the petitioner, finally formally lodged a complaint on September 12, 2016 before the respondent police authority herein therein describing the facts as stated hereinabove which the petitioner had discovered from the discussions and interrogations made with the private respondents and the locals. That in the said complaint, your petitioner had requested the respondent police authorities to take immediate action against the private respondents as they have kidnapped your petitioner's sister and had forced her into flesh trade. That the said complaint was registered as an FIR by the respondent police authorities being FIR no. 85/16 dated 12.09.2016 under Sections 363, 365 and 34 of the Indian Penal Code, 1860.

2016:

The respondent police authorities arrested Hafiza Bibi and Sheikh Hasanur, being the private respondents herein, the two accused out of five so named in the said FIR.

20.09.2016:

That the petitioner's brother's wife namely Mrs. Anjali patra after getting bad smell near a Septic tank situated at Arya Rishi Kul Ashram alerted your petitioner and other local villagers who then on due search found the dead body of your petitioner's sister on 15.09.2016 from the said septic tank. That the body of the victim girl was found naked and her clothes were found after three days near the said Ashram and it was found that the sister of your petitioner was murdered after having been raped and the respondent police authorities on 20.09.2016 added Sections 376, 302, 364, and 201 of the Indian Penal Code, 1860 to the said FIR no. 85/16 dated 12.09.2016. That it further needs to be stated here that pursuant to the lodging of the said FIR, a G.R. case no. 1405 of 2016 was started before the Additional Chief Judicial Magistrate at Kakdwip, South 24 Parganas and the said arrested

accused/private respondents herein were produced before the said Court. That on 07.10.2016, one of the arrested accused namely, Hafiza Bibi was released on bail on furnishing of sureties/bail bonds.

2016: That Sheikh Ansar, Ansarun Bibi, and Sheikh Nowsar, also being the private respondents herein in anticipation of an arrest, filed an application under Section 438 of the Code of Criminal Procedure, 1973 before the Learned Sessions Judge at Alipore and the same was dismissed.

16.10.2016: That since the respondent authorities could not carry out the investigation properly in its true spirit till date and is unable to cause arrest of the other accused/private respondents herein and for such lackadaisical investigation, the said private respondents are moving freely in the locality and

are giving open threat of life and of dire consequence to the petitioner and his family members. That one Sheik Gulzar, Sheik Sanwar, Sheik Hannan the relatives of the private respondents herein gave open threat to your petitioner and his family members to the extent that once the arrested persons are free your petitioner and his family member shall face dire consequence with threat to life. That on such threats being given, your petitioner had on a number of times visited the respondent police authorities and had informed them about such illegal activities of the private respondents and the its men and agents vide complaint dated 16.10.2016. That on such threats being given, your petitioner had on a number of times visited the respondent police authorities and had informed them about such illegal activities of the private respondents but till date the respondent police

authorities have failed to take any steps against the accused/private respondents herein.

15.12.2016:

That one of the accused namely, Hafiza Bibi had obtained bail on 27.10.2016 and on 15.12.2016, the other private respondent herein so arrested in connection with the instant case namely, Sheikh Hasanur, obtained bail for non-filing of charge-sheet by the respondent police authorities.

23.12.2016:

The petitioner herein addressed a complaint dated 23.12.2016 to the Officer-in-charge of the Gangasagar Coastal police station, being the respondent herein, wherein it was stated that the accused persons are threatening your petitioner and his family members after the petitioner had vehemently opposed the anticipatory bail application of the accused persons/private respondents herein before the District and Sessions Judge at Alipore. It was further stated that the accused persons along with their associates had assembled in front of the house of

the petitioner and had hurled abusive language to the petitioner and his family members and had threatened your petitioner and his family of their life. It was further mentioned that the accused persons/private respondents herein are following your petitioner and his family members. That in such facts and circumstance, the petitioner herein requested the respondent police authorities to take immediate action against the accused persons/private respondents herein and further cause a proper investigation in the instant case. That the said complaint was also forwarded to the Secretary of Home Affairs, West Bengal, the Director General of Police, West Bengal and the Superintendent of Police, South 24 Parganas.

29.12.2016:

The petitioner herein made a complaint dated 29.12.2016 to the Director of the National Commission of Schedule Caste where the petitioner narrated the entire facts and

circumstances of the instant case. It was further mentioned that as your petitioner belonged to schedule caste, your petitioner's grievance against the private respondent is not being investigated upon properly by the respondent police authorities and as such requested the concerned department to take necessary action in the instant matter. That pursuant to such complaint dated 26.12.2016, the Research Officer of the Nation Commission for Schedule Caste, issued a letter dated 29.12.2016 to the respondent authorities wherein it was stated that the said Commission had decided to enquire into the said matter and requested the respondent police authorities to furnish facts and information and the action so taken on the complaint made by the petitioner herein.

05.01.2017:

The petitioner made another complaint dated 05.01.2017 to the respondent police authorities

wherein the petitioner had narrated the entire incident and the manner in which the respondent police authorities are carrying the investigation in the instant case. That in the said complaint, the petitioner has again informed the respondent police authorities that the private respondents are threatening the petitioner and his family members of their life and security. Thus the petitioner had requested the respondent police authorities to take immediate action against the private respondents herein. That the said complaint was duly received by the respondent police authorities.

2017:

The petitioner herein visited local police station to enquire as to the status of the investigation of the instant case but the officer of the respondent police authorities had refused to answer the petitioner's query and had further stated that as and when the investigation is complete, charge-sheet will be filed. That even after lodging of

complaint with respect to the open threats given by the private respondents to the petitioner and his family member, your petitioner personally visited the office of the respondent authorities and enquired as to what steps have been taken by them to stop the illegal activities of the private respondents but the respondent authorities have stated that in cases of murder and rape, such threats from the end of the accused, are normal and the petitioner has to bear with the same.

06.02.2017:

That till date the respondent authorities have not called your petitioner and/or the family members of your petitioner to take their statement in respect of the said crime and further your petitioner have been repeatedly visiting the office of the respondent authorities to give his statement, the respondent authorities have only stated that as and when required, the petitioner shall be called for; but till date, no investigation has been caused by the respondent police authorities.

POINTS OF LAW

- I. Whether the respondent authorities have failed to perform their statutory duties towards the citizens of India and your petitioner?
- II. Whether the respondent police authorities have failed to cause any proper investigation in the F.I.R no. 85/16 so lodged by the petitioner on 12.09.2016 and the G.R. case no. 1405 of 2016?
- III. Whether the respondent police authorities have failed to cause a proper investigation in pursuance to the complaints dated 23.12.2016 and 05.01.2017?
- IV. Whether the respondent police authorities have violated Articles 14, 19, and 21 of the Constitution of India and have thereby vitiated the ends of justice?

District: South 24 Parganas

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P. No. [W] of 2017

In the matter of:

An application under Article 226 of
the Constitution of India;

And

In the matter of:

*A Writ of and/or Writs in the nature
of Mandamus and/or Prohibition
and/or Certiorari and/or any other
appropriate Writs and/or orders
and/or directions may be issued
hereunder;*

And

In the matter of:

Arbitrary, whimsical and fanciful
acts of the respondent authorities in
not causing proper investigation in

the FIR no. 85/16 dated 12.09.2016
and the G.R> case no. 1405 of 2016;

And

In the matter of:

In the matter of:

Arbitrary, whimsical and fanciful act
of the respondent authorities in
acting in collusion with the private
respondents thereby not causing any
arrest in connection with the instant
case;

And

In the matter of:

Arbitrary and whimsical act on part
of the respondent police authorities
in taking cognizance of the complaint
dated 23.12.2016 and 05.01.2017 so
made the petitioner herein;

-And-

In the matter of:

Illegal act of the respondent police
authorities inasmuch as in not

protecting your petitioner's right as guaranteed under Article 14, 21 of the Constitution of India;

-And-

In the matter of:

Shri Manik Lal Patra, son of Kanai Lal Patra, residing at village Gangasagar, P.S. Gangasagar Coastal, District South 24 Parganas, Pin-743606.

... Petitioner

Versus

1. The State of West Bengal, service through the Secretary, Department of Home Affairs, West Bengal, having its office at 325, Sarat Chatterjee Road, Nabanna Building, Shibpur, Howrah - 700 102.

2. The Superintendent of Police, South 24 Parganas, Alipore, Kolkata - 700 027.

3. The Special Superintendent of Police, Bhawani Bhawan, CID, West Bengal, Kolkata - 700 027.

4. The Inspector General-I, CID, Bhawani Bhawan, Alipore, Kolkata - 700 027.

5. The Director General of Police, Bhabani Bhavan, Kolkata - 700027.

6. The Office-in-Charge, Gangasagar Coastal Police Station, South 24 Paraganas, Pin-743606.

7. Sheikh Hasanur, son of Ansar,

8. Hafiza Bibi, wife of Ansar,

9. Sheikh Ansar, son of Ismile,

10. Ansarun Bibi, wife of Nowsar,

11. Sheikh Nowsar, son of Khadim,

All from 7 to 10 are residing at village Gangasagar, P.S. Gangasagar Coastal, South 24 Parganas.

... Respondents

To

The Hon'ble Mrs. Nishita Mhatre, Acting Chief Justice and Her
Companion Justices of this Hon'ble Court.

The humble petition on behalf of the
petitioner abovenamed most
respectfully

SHEWETH:

1. Your petitioner states that your petitioner is a peace loving and law abiding citizen of India having permanent residing at the address as mentioned in the cause title herein above.
2. Your petitioner states that your petitioner is the brother of the victim girl namely, Manasi Patra. That the said Manasi Patra was deaf and dumb and had died having been murdered by the private respondents herein after being raped.
3. Your petitioner states that on September 07, 2016, Ansarun Bibi, being the private respondent herein at about 1:00 P.M, molested and tried to kidnap the sister of the petitioner herein namely, Manasi Patra but such attempt on having being interfered with and interrupted by the local people then present, the said private respondent fled, thereby leaving the

sister of the petitioner herein but after some time Sheikh Hasanur, being the private respondent herein, called the forenamed Manasi Patra and had a talk with her exclusively.

4. Your petitioner states that on the next day, i.e., on September 08, 2016, at about 05:30 in the evening, when the said Manasi Patra while on way to her residence, was stopped by the forenamed Sheikh Hasanur near the Larika Guesthouse and molested her. But due to resistance of the locals, the said private respondent herein left the sister of your petitioner. That thereafter on or about 7:00 P.M. on the same date, the petitioner's sister went missing and your petitioner and the other family members started searching for her and on interaction with the local people of the said area, your petitioner came to know of the fact that the said private respondent namely, Sheikh Hasanur used to disturb the sister of your petitioner and forced her to get involved into illegal and immoral activities. That after three days of intense searching for the sister of your petitioner, your petitioner was unable to trace her out and from the interaction with the private respondents as well as the locals, your petitioner found out that the private respondents have kidnapped your petitioner's sister and had forcefully indulged her into flesh trade.

5. Your petitioner states that first on 09.09.2016 lodged a missing diary of his sister with respondent police authorities vide GDE no.207 dated 09.09.2016 and after collecting information and after thorough investigation by himself, and after intense search for the sister of the petitioner, finally formally lodged a complaint on September 12, 2016 before the respondent police authority herein therein describing the facts as stated hereinabove which the petitioner had discovered from the discussions and interrogations made with the private respondents and the locals. That in the said complaint, your petitioner had requested the respondent police authorities to take immediate action against the private respondents as they have kidnapped your petitioner's sister and had forced her into flesh trade. That the said complaint was registered as an FIR by the respondent police authorities being FIR no. 85/16 dated 12.09.2016 under Sections 363, 365 and 34 of the Indian Penal Code, 1860.

A copy of the said First Information Report dated 12.09.2016 is annexed hereto and marked with letter "P-1".

6. Your petitioner states that subsequent to the lodging of FIR no. 85/16, the respondent police authorities arrested Hafiza Bibi and Sheikh Hasanur, being the private respondents herein, the two accused out of five so named in the said FIR.

7. Your petitioner states that your petitioner's brother's wife namely Mrs. Anjali patra after getting bad smell near a Septic tank situated at Arya Rishi Kul Ashram alerted your petitioner and other local villagers who then on due search found the dead body of your petitioner's sister on 15.09.2016 from the said septic tank. That the body of the victim girl was found naked and her clothes were found after three days near the said Ashram and it was found that the sister of your petitioner was murdered after having been raped and the respondent police authorities on 20.09.2016 added Sections 376, 302, 364, and 201 of the Indian Penal Code, 1860 to the said FIR no. 85/16 dated 12.09.2016. That it further needs to be stated here that pursuant to the lodging of the said FIR, a G.R. case no. 1405 of 2016 was started before the Additional Chief Judicial Magistrate at Kakdwip, South 24 Parganas and the said arrested accused/private respondents herein were produced before the said Court. That on

07.10.2016, one of the arrested accused namely, Hafiza Bibi was released on bail on furnishing of sureties/bail bonds.

8. Your petitioner states that following the arrest of Hafiza Bibi and Sheikh Hasanur, being the private respondents herein, Sheikh Ansar, Ansarun Bibi, and Sheikh Nowsar, also being the private respondents herein in anticipation of an arrest, filed an application under Section 438 of the Code of Criminal Procedure, 1973 before the Learned Sessions Judge at Alipore but the same was dismissed.

9. Your petitioner states that since the respondent authorities could not carry out the investigation properly in its true spirit till date and is unable to cause arrest of the other accused/private respondents herein and for such lackadaisical investigation, the said private respondents and its men and agents are moving freely in the locality and are giving open threat of life and of dire consequence to the petitioner and his family members. That one Sheik Gulzar, Sheik Sanwar, Sheik Hannan the relatives of the privates respondents herein gave open threat to your petitioner and his family members to the extent that once the arrested persons are free your petitioner and his family member shall face dire consequence with threat

to life. That on such threats being given, your petitioner had on a number of times visited the respondent police authorities and had informed them about such illegal activities of the private respondents and the its men and agents vide complaint dated 16.10.2016 but till date the respondent police authorities have failed to take any steps against the accused/private respondents and its men and agents herein.

A copy of the said letter dated 16.10.2016 is annexed hereto and marked with letter 'P-2'.

10. Your petitioner states that due to improper and lackadaisical investigation by the respondent police authorities, one of the accused namely, Hafiza Bibi had obtained bail on 27.10.2016 and on 15.12.2016, the other private respondent herein so arrested in connection with the instant case namely, Sheikh Hasanur, obtained bail for non-filing of charge-sheet by the respondent police authorities.

11. Your petitioner states that your petitioner had lodged the complaint on 12.09.2016, and till 15.12.2016 due to improper investigation, the accused persons/private respondents herein are roaming freely in the locality without any fear after committing such heinous crime. Further it

needs to be mentioned here that from the order sheets so passed in the said G.R. case no. 1405 of 2016, it will be evident that since 15.09.2016 to 15.12.2016, the respondent police authorities have caused no investigation in the instant matter for which on 15.12.2016, the Court below on perusal of the record, found that the investigation is incomplete and as such granted bail to the accused. That till date, the respondent police authorities have not filed charge-sheet in the instant case.

The copies of the orders so passed in the G.R. case no. 1405 of 2016 are collectively annexed hereto and marked with letter "P3".

12. Your petitioner states that following the grant of bail, the petitioner herein addressed another complaint dated 23.12.2016 to the Officer-in-charge of the Gangasagar Coastal police station, being the respondent herein, wherein it was stated that the accused persons are threatening your petitioner and his family members after the petitioner had vehemently opposed the anticipatory bail application of the accused persons/private respondents herein before the District and Sessions Judge at Alipore. It was further stated that the accused persons along with their associates had assembled in front of the house of the petitioner and had hurled abusive language to the petitioner and his family members and had threatened

your petitioner and his family of their life. It was further mentioned that the accused persons/private respondents herein are following your petitioner and his family members. That in such facts and circumstance, the petitioner herein requested the respondent police authorities to take immediate action against the accused persons/private respondents herein and further cause a proper investigation in the instant case. That the said complaint was also forwarded to the Secretary of Home Affairs, West Bengal, the Director General of Police, West Bengal and the Superintendent of Police, South 24 Parganas.

A copy of the letter dated 23.12.2016 is annexed hereto and marked with letter "P-4".

13. Your petitioner states that on December 26, 2016, the petitioner herein made a complaint to the Director of the National Commission of Schedule Caste where the petitioner narrated the entire facts and circumstances of the instant case. It was further mentioned that as your petitioner belonged to schedule caste, your petitioner's grievance against the private respondent is not being investigated upon properly by the respondent police authorities and as such requested the concerned

department to take necessary action in the instant matter. That pursuant to such complaint dated 26.12.2016, the Research Officer of the Nation Commission for Schedule Caste, issued a letter dated 29.12.2016 to the respondent authorities wherein it was stated that the said Commission had decided to enquire into the said matter and requested the respondent police authorities to furnish facts and information and the action so taken on the complaint made by the petitioner herein.

A copy of the complaint dated 26.12.2016 and the letter dated 29.12.2016 are collectively annexed hereto and marked with letter "P-5".

14. Your petitioner states that your petitioner made another complaint dated 05.01.2017 to the respondent police authorities wherein the petitioner had narrated the entire incident and the manner in which the respondent police authorities are carrying the investigation in the instant case. That in the said complaint, the petitioner has again informed the respondent police authorities that the private respondents are threatening the petitioner and his family members of their life and security. Thus the petitioner had requested the respondent police authorities to take immediate action against the private respondents herein. That the said complaint was duly received by the respondent police authorities.

✓ A copy of the said ^{complaint} representation dated 05.01.2017 is annexed hereto and marked with letter "P-6".

15. Your petitioner states that after 15.12.2016, your petitioner visited the local police station to enquire as to the status of the investigation of the instant case but the officer of the respondent police authorities had refused to answer the petitioner's query and had further stated that as and when the investigation is complete, charge-sheet will be filed.

16. Your petitioner states that even after lodging of complaint with respect to the open threats given by the private respondents to the petitioner and his family member, your petitioner personally visited the office of the respondent authorities and enquired as to what steps have been taken by them to stop the illegal activities of the private respondents but the respondent authorities have stated that in cases of murder and rape, such threats from the end of the accused, are normal and the petitioner has to bear with the same.

17. Your petitioner states that till date the respondent authorities have not called your petitioner and/or the family members of your petitioner to take their statement in respect of the said crime and further your petitioner have been repeatedly visiting the office of the respondent authorities to

give his statement, the respondent authorities have only stated that as and when required, the petitioner shall be called for but till date, no investigation has been caused by the respondent police authorities.

18. Your petitioner states that the respondent police authorities have failed to perform their statutory duties towards the citizens of India and your petitioner.

19. Your petitioner states that the respondent police authorities have neglected to taken any satisfactory steps in pursuance to the FIR no. 85/16 dated 12.09.2016.

20. Your petitioner states that the respondent police authorities have acted arbitrarily and mala fide in not causing arrest of the private respondents herein namely, Sheikh Ansar, Ansarun Bibi and Sheikh Nowsar, despite there being specific allegation raised by the petitioner against the said private respondents in his complaint dated 12.09.2016. Moreover when specific allegation are raised against Ansarun Bibi, till date she had not been arrested by the respondent police authorities.

21. Your petitioner states that the respondent police authorities have acted arbitrarily and mala fide in not causing proper investigation in the instant case despite arresting two accused/private respondents herein who have been enlarged on bail due to lackadaisical investigation.

22. Your petitioner states that the respondent police authorities have acted arbitrarily and mala fide inasmuch as not considering the fact that the private respondents herein are giving open threats of life and security to your petitioner and his family members due to vehement objection raised by the petitioner in the anticipatory bail application filed by the private respondents herein.

23. Your petitioner states that the respondent police authorities ought to have caused arrest of the private respondents who are directly involved in abetting the offence of kidnapping, rape and murder of the sister of the petitioner.

24. Your petitioner states that the respondent police authorities ought to have arrested the private respondents for giving open threats to the petitioner and his family members.

25. Your petitioner states that the respondent police authorities have not carried the investigation properly which is evident from the fact that there has been no objection from the end of the respondent authorities while the bail of the two accused were granted by the Court below save and except only on one occasion.

26. Your petitioner states that the respondent police authorities have failed to appreciate the fact that the private respondents/accused are

roaming freely in the locality, causing threat of life and security to the petitioner and his family.

27. Your petitioner states that the respondent police authorities have failed to appreciate the fact that the instant case is of murder and rape of a deaf and dumb girl whose body has been recovered by the respondent police authorities and therefore the murderer is at large and roaming freely in the society.

28. Your petitioner states that the respondent police authorities have failed to appreciate the fact that the petitioner in his first complaint had stated that on being informed by the locals and after interrogating the private respondents herein, the petitioner had lodged the said complaint but till date the respondent police authorities have not been able to complete the investigation into the instant case despite there must have been witnesses to the said crimes.

29. Your petitioner states that save and except two arrests being made, the respondent authorities have been unable to cause any arrest of any other accomplice involved in the said crime despite there being a murder and rape of a deaf and dumb girl.

30. Your petitioner states that till date, the respondent police authorities have failed to file charge-sheet in the instant case and more than five months have passed since the receipt of the complaint dated 12.09.2016.

31. Your petitioner states that the respondent police authorities are involved in an unholy nexus with the private respondents herein, which is amply evident from the fact that despite the respondent police authorities having full knowledge about the whereabouts of the private respondents have failed to cause an arrest thereby defiling the ends of justice.

32. Your petitioner states that the respondent police authorities have acted arbitrarily and whimsically in not considering the complaints dated 16.10.2016 and 23.12.2016 and 05.01.2017 as made by the petitioner herein.

33. Your petitioner states that the respondent authorities are 'State' within the meaning and ambit of Article 12 of the Constitution of India and are therefore amenable under Article 226 of the Constitution of India.

34. Your petitioner states that the acts and activities of the respondents herein are arbitrary, whimsical, unfair, unjust and without any jurisdiction and are violative of the rights as protected under Article 14, 19 and 21 of the Constitution of India and are therefore liable to be interfered with Article 226 of the Constitution of India.

35. Thus being aggrieved by and dissatisfied with the purported acts and conduct on the part of the respondent authorities in not causing any satisfactory/proper investigation in the said F.I.R no. 85/16 dated 12.09.2016 and G.R. case no. 1405 of 2016 and in not causing arrest of the private respondents and/or the murderer of the raped victim being the sister of the petitioner herein, and in not filing charge-sheet till date, and in not considering the complaints so made by the petitioner herein dated 16.10.2016 and 23.12.2016 and 05.01.2017, thereby depriving your petitioner of his rights and interests, your petitioner begs to move this application under Article 226 of the Constitution of Indian before this Hon'ble Court inter alia on the following, amongst other:

GROUNDS

- I. For that the respondent police authorities have failed to perform their statutory duties towards the citizens of India and your petitioner.
- II. For that the respondent police authorities have neglected to taken any satisfactory steps in pursuance to the FIR no. 85/16 dated 12.09.2016.
- III. For that the respondent police authorities have acted arbitrarily and mala fide in not causing arrest of the private respondents herein

namely, Sheikh Ansar, Ansarun Bibi and Sheikh Nowsar, despite there being specific allegation raised by the petitioner against the said private respondents in his complaint dated 12.09.2016.

- IV. For the respondent police authorities have acted arbitrarily and mala fide in not causing proper investigation in the instant case despite arresting two accused/private respondents herein who have been enlarged on bail due to lackadaisical investigation.
- V. For that the respondent police authorities have acted arbitrarily and mala fide inasmuch as not considering the fact that the private respondents herein are giving open threats of life and security to your petitioner and his family members due to vehement objection raised by the petitioner in the anticipatory bail application filed by the private respondents herein.
- VI. For that the respondent police authorities ought to have caused arrest of the private respondents who are directly involved in abetting the offence of kidnapping, rape and murder of the sister of the petitioner.
- VII. For that the respondent police authorities ought to have arrested the private respondents for giving open threats to the petitioner and his family members.

- VIII. For that the respondent police authorities have not carried the investigation properly which is evident from the fact that there has been no objection from the end of the respondent authorities while the bail of the two accused were granted by the Court below save and except only on one occasion.
- IX. For that the respondent police authorities have failed to appreciate the fact that the private respondents/accused are roaming freely in the locality, causing threat of life and security to the petitioner and his family.
- X. For the respondent police authorities have failed to appreciate the fact that the instant case is of murder and rape of a deaf and dumb girl whose body has been recovered by the respondent police authorities and therefore the murderer is at large and roaming freely in the society.
- XI. For that the respondent police authorities have failed to appreciate the fact that the petitioner in his first complaint had stated that on being informed by the locals and after interrogating the private respondents herein, the petitioner had lodged the said complaint but till date the respondent police authorities have not been able to complete the investigation into the instant case despite there must have been witnesses to the said crimes.

- XII. For that save and except two arrests being made, the respondent authorities have been unable to cause any arrest of any other accomplice involved in the said crime despite there being a murder and rape of a deaf and dumb girl.
- XIII. For that till date, the respondent police authorities have failed to file charge-sheet in the instant case and more than five months have passed since the receipt of the complaint dated 12.09.2016.
- XIV. For that the respondent police authorities are involved in an unholy nexus with the private respondents herein, which is amply evident from the fact that despite the respondent police authorities having full knowledge about the whereabouts of the private respondents have failed to cause an arrest thereby defeating the ends of justice.
- XV. For that the respondent police authorities have acted arbitrarily and whimsically in not considering the complaints dated 16.10.2016 and 23.12.2016 and 05.01.2017 as made by the petitioner herein.
- XVI. For that the respondent authorities are 'State' within the meaning and ambit of Article 12 of the Constitution of India and are therefore amenable under Article 226 of the Constitution of India.

XVII. For that the acts and activities of the respondents herein are arbitrary, whimsical, unfair, unjust and without any jurisdiction and are violative of the rights as protected under Article 14, 19 and 21 of the Constitution of India and are therefore liable to be interfered with Article 226 of the Constitution of India.

36. Your petitioner states that in the above facts and circumstances repeated following up of the matter with the respondent authorities have reaped no benefit for your petitioner and your petitioner have been compelled to approach this Hon'ble Court to seek justice.

37. Your petitioner states that in the facts and circumstances of the instant case, unless a direction is issued by the Hon'ble Court directing the respondent authorities to conduct proper investigation into the instant case under the supervision of the Superintendent of Police, South 24 Parganas and/or the Criminal Investigation Department (CID) so as to cause proper enquiry in relation to the FIR no. 85 dated 12.09.2016 and G.R. case no. 1405 of 2016, and cause arrest of the accused persons and/or the murderer of the raped victim girl being the sister of the petitioner herein and to take cognizance of the complaints dated 16.10.2016 and 23.12.2016 and 05.01.2017, your petitioner shall suffer irreparable loss and injury.

38. That in the above circumstance, unless orders are prayed for herein are passed by this Hon'ble Court, your petitioner will suffer irreparable loss and injury.

39. The petitioner states that there is no alternative remedy as speedy and efficacious as in the instant application and the relief as prayed of if granted would provide complete and adequate relief to the petitioner and the petitioner have not moved any other writ petition on the self-same cause of action before this Hon'ble Court or any other forum.

40. This application is bona fide and for ends of justice.

Under the circumstances as aforesaid, the petitioner most humbly prays for:

(a) A Writ and/or writs in the nature of Mandamus be issued directing the respondent authorities to cause proper investigation in the F.I.R no. 25 dated 12.09.2016 and G.R. case no. 1405 of 2016 under the

supervision of the Superintendent of Police at South 24 Parganas so that the rights and interest of your petitioner may be protected;

And

(b) A Writ of and/or writs in the nature of Mandamus be issued commanding the respondent authorities to take cognizance of the complaints dated 16.10.2016 and 23.12.2016 and 05.01.2017 as made by the petitioner herein and to cause arrest of the accused persons;

And/Or alternatively

(c) A Writ and/or writs in the nature of Mandamus be issued directing the directing the Criminal Investigation Department (CID) to cause an investigation so that contentious justice may be rendered;

And

(d) A Writ and/or writs in the nature of Certiorari be issued directing the respondent authorities to forthwith transmit the records of the instant case before this Hon'ble Court so that conscionable justice can be done.

And

(e) Rule NISI in terms of prayer (a), (b), (c), and (d).

And

(f) Ad-interim order in terms of prayer (a), (b), (c), and (d).

(g) Costs.

(h) Pass such order/orders as your Lordships may deem fit and proper.

And you petitioner as in duty bound shall ever pray.

AFFIDAVIT

I, Manik Lal Patra, son of Kanai Lal Patra, by faith- Hindu, aged about 30 years, by occupation- *Service*, residing at village Gangasagar, P.S. Gangasagar, district South 24 Parganas, West Bengal, do hereby solemnly affirm and state as follows:

1. That I am the herein and as such I am well acquainted with the facts and circumstances with the instant case and am competent enough to sign and affirm this instant affidavit.
2. That the facts contained in paragraphs 1 to are true to my knowledge and the rest are my humble submissions before this Hon'ble Court. The instant writ petition is read over and explained to me in Bengali vernacular language and have understood the meaning and purport of the same.

Prepared in my office

Sd/- Manik Lal Patra

Advocate

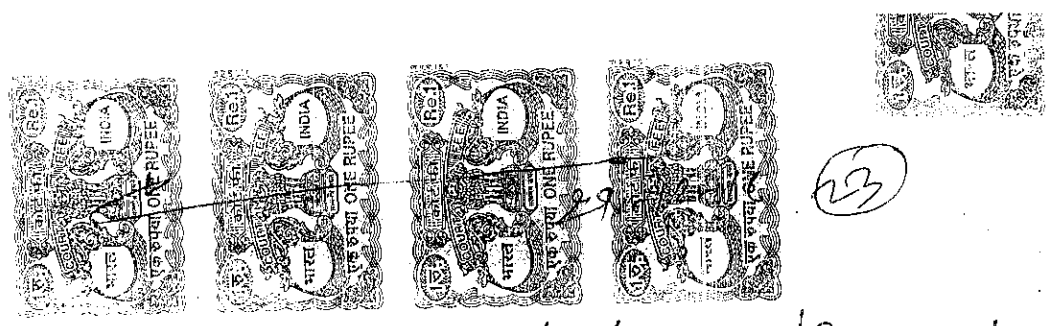
Sd/- Manik Lal Patra
Deponent is known to me

Sd/- Gouram Chatterjee
Clerk to Mrs. V. Chatterjee
Advocate

Solemnly affirm before me

On the *21/2* day of February, 2017.

COMMISSIONER



28/9/16 29/9/16 29/9/16 29/9/16 29/9/16
Petition No. 2082/16

In the Court of the Additional Chief Judicial Magistrate,
Kakdwip, South 24-Parganas
GR. No. 1405/16

Ganga Sagar Coastal P.S. Case No. 85/16, dated: 12.09.16
U/S: 363/365/34 IPC & adding section 376/364/302/201 IPC

FIRST INFORMATION REPORT

State - V/S - Sk. Hasanur & 1

District: South 24-Pgs, Sub-Divn: Kakdwip, P.S- Ganga Sagar Coastal,

Year: 2016, FIR No. 85/16, Date: 12.09.16

Act: Section: 363/365/34 & adding Sections 376/364/302/201 IPC

Act: Section: Other Acts & Section:

General Diary Reference: Entry No. 276 Time: at 14.35 hrs.

Occurrence of Offence: Date: 08.09.2016, Time: at about 17.30 hrs.

Information Received Date: 12.09.16, Time: At 14.35 hrs.

GDE No. 207, dt; 09.09.16 at the Police Station:

Type of Information: Written/Oral: Written

Place of Occurrence: Directions and Distance from P.S - 8 KM South West

Address: Vill- Ganga Sagar, P.S- Ganga Sagar Coastal, Dist- South 24-Pgs.

Complaint/Information:

Name: Maniklal Patra (32yrs)

Handwritten initials

Handwritten signature

Handwritten signature



Father's/ Husband's Name :- S/o: Kanailal Patra

Date/Year of Birth:

(Handwritten mark)

Nationality: Indian

Address: Vill- Ganga Sagar, P.S- Ganga Sagar Coastal, **Dist:** South 24-Pgs

Details of Known/Suspected/unknown/accused with full particulars:

1. Sk. Hasanur, S/o: Ansar,
2. Hapiza Bibi, W/o: Ansar,
3. Sk. Ansar, S/o: Ismile,
4. Ansarun Bibi, W/o: Nowsar,
5. Sk. Nowsar, S/o: Khadim, All of Ganga Sagar, P.S- Ganga Sagar Coastal. South 24-Pgs.

FIR Contents: (Attach separate sheets, if required): The original written complaint of the complainant which is treated as FIR is attached here with 2nd & 3rd copies FIR are reproduce below.

Action taken: Since the above report reveals commission if offence(s)
u/s: 363/365/34 IPC

Registered the case and took up the investigation/directed: SI Shyamal Biswas will pl investigate the case.

Sd/- MANIKLAL PATRA
Signature/Thumb Impression of
The complaint/Informant

Sd/- D. Roy
Sing. Of the Office-in-Charge, P.S
Name: Debasis Roy
Rank: O/C Ganga Sagar Coastal P.S
Number if any: 12.09.16

Sd/- Illegible
Officer-in-charge
Ganga Sagar Coastal P.S

Recorded by me
Sd/- Shyamal Kr. Biswas
ASI of Police, G. Sagar Coastal P.S.
Dt: 12.09.16

DR No. 1043/16, dt: 11.09.16

(Handwritten signature)

(Handwritten signature)



পাঠ্য আজ দি এড. জে.ই.আর.

সি.আর - ১৪০২১৪৪

IN THE COURT OF A.C.J.M.
KAKDWIP, (S) 24 PGS.

(3)

ট.

দি ৩. সি.

পংগালগির কোম্পানি লি.এস.

মানন, দক্ষিণ ২৪ পরগণা।

Seen
Sd/- Sisir K. Meyer
A.C.J.M.
Kop. 24 PGS

বাদি - মানিক লাল পাত্র (৩২) পিতা- কানাই লাল পাত্র, মাও লো: - পংগালগির কোম্পানি,

জেলা- দক্ষিণ ২৪ পরগণা।

বিবাদি-

১। মেধ জয়ানুর পিতা-আনন্দ, (২) হাশিচা বিবি স্বামী - ৩, (৩) মেধ আনন্দের পিতা-

ইসরাইল, (৪) আনন্দের বিবি স্বামী - নওসার, (৫) মেধ নওসার পিতা- হাদিয়, সর্ব মাও

লো: - পংগালগির বিশু হিন্দু ধর্মীয়দের উনটা দিবের রাস্তা, গ্রাম- পংগালগির কোম্পানি, জেলা-

দক্ষিণ ২৪ পরগণা।

যহায্য,

আমার বনীত নিবেদন এই যে গত ইংরেজী ০৭।০১।৪৬ তারিখে মোটা প্রায় ১টা নানাদ

৪নং বিহা দি আনন্দের বিবি আমার মোটা বখিষ্ট মোন মানসী পাওনে (২৩) মানরের ২নং গ্রীজের

পাশে টানাটানি করে জোর করে মানসীকে নিয়ে যাওয়ার চেষ্টা করতে রাস্তার লোকজন বাধা দিলে

৪নং বিবাদি ছেড়ে পালায় তার কিছু ঘন করে ৪নং বিবাদী মেধ হাসানুর ইসারা করে মানসীকে

কেবে নিয়ে আড়ালে লুকা করে। তারপরের দিন অর্থাৎ ইংরেজী ০৮।০১।৪৬ তারিখে বিবাদ প্রায়

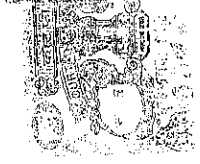
৫টা ৩০ মিনিট নানাদ আমার মোন মানসী মানরের নদী চর থেকে বাগি ফিরে যাওয়ার পথে

Recd on 12-9-16 at 14.35h on
Sd/- J. S. Coastal PS court
No - 8 of 16, dt - 12-9-16, W.S.
263/365/34 I.P.C.
Sd/- Sisir K. Meyer
S.S.
12-9-16

~~Handwritten signature~~

52

০৩১-



১২।

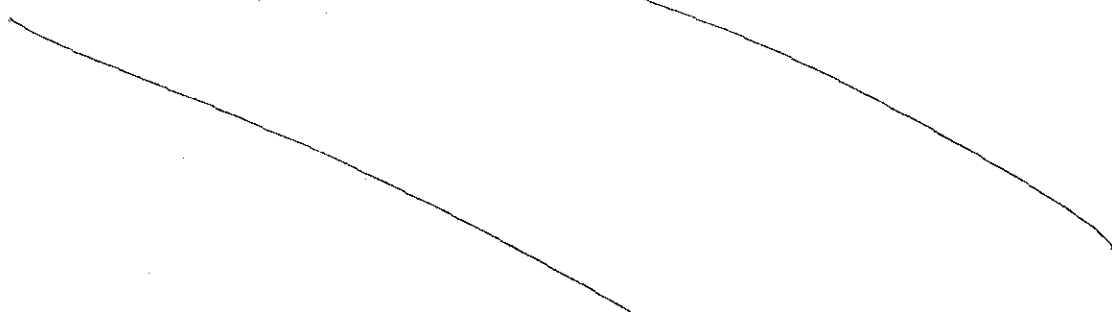
(A)

৭৫ নারিকান্দা পেশট হাউসের বেছনে মণ্ডির রাস্তার উপর ১নং বিবাদি সেখ হাসানুর মাইকেলে টেচপে এসে
 মানসীকে আটকায়। তখনই মানসীকে টানা হেঁচড়া করে কিছু দেওয়ার চেষ্টা করছে। এমন সময় লোকজন
 দেখতে পেলে ১নং বিবাদি মানসীকে ছেড়ে পলায়। তারপর স-খ্যা প্রায় এটা নাপাদ থেকে মানসীকে আর
 ধোঁকি পাওয়া যায়নি। আমি ও আমার পরিবারের লোকজন মানসীর খোঁজ করতে থাকি। উপরি বর্ণিত
 বিবাদীদের নিয়ে প্রাণীন আলোচনায় বসায় হয়। আলোচনায় প্রকাশ পায় যে ১নং বিবাদি মানসীকে প্রায়
 সময় খারাবা কাজ করার জন্য জোর জবর দস্তি করতো। এমনকি বিবাদিদের কথায় অনেক অসংগতি
 প্রকাশ পায়। আমাদের দৃঢ় বিশ্বাস বিবাদিরা আমার কোন মানসীকে গুম করেছে নতুবা কোথায় ও
 খচার করেছে।

এছাড়াও মহাশয়ের নিকট আমার কাজের আবেদন উক্ত বিষয়ে বিবাদিদের বিরুদ্ধে আইনানুগ
 ব্যবস্থার মাধ্যমে সাহায্যে কঠোর সাজাপায় তাহার বিধিত ব্যবস্থা গ্রহণে বা ধিত করিবেন।
 তারিখ - ১২।১২।২০১৬
 লেখক ও পাঠক - বাদির মুখের কথা শুনেন দরখাস্ত দিখে পুনরায় পাঠ
 করে শুনাইলম। যা দি আমার লেখায় সন্তুষ্ট হয়ে দরখাস্তে সূক্ষ্ম করিলেন।

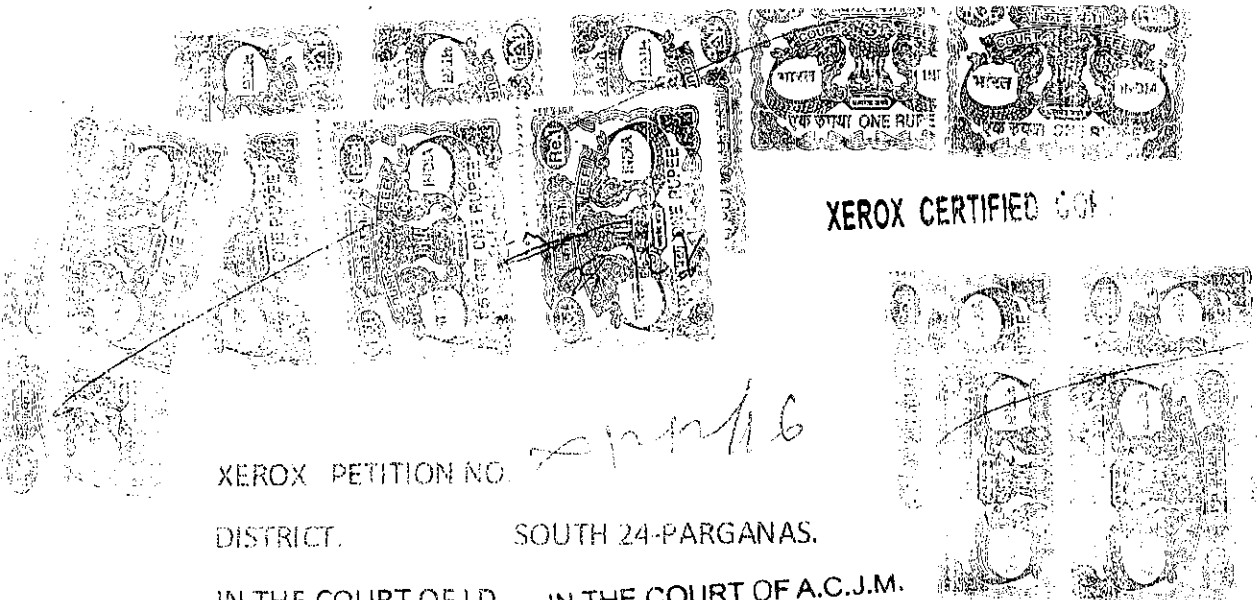
গুনমহম্মদ খান গিলা- মুক্ত পরিচ,
 মাও নে: - চেম্বার্সী, বাস: - নগো মানর বোসটোল, জেলা- দক্ষিণ ২৪ পরগণা।

টাইপ বাই - SW
 ২৭-১২-১৬
 (S. Heyn)





Ref. G. D. E. No. 357
OK 16-10-46



XEROX PETITION NO.

2/11/16

DISTRICT.

SOUTH 24-PARGANAS.

IN THE COURT OF LD.

IN THE COURT OF A.C.J.M.
KAKDWIP, (S) 24 PGS.

Kakdwip, South 24-Parganas

*Present: - S.K. Meyur
A.C.J.M., Kakdwip*

REFERENCE NO.

ENR 1405/16

PARTIES-NAME

State

PETITIONER/PLAINTIFFS

- VERSUS -

*S.K. Hasanur O.P./ DEFENDANTS.
& others*

09 sheets

.....
.....

XEROX PETITION NO.

35

in the court of the Additional Chief Judicial Magistrate,
Kakdwip, South 24 Parganas.

XEROX CERTIFIED COPY

G.R Case No: 1405 / 2016

order sheets

Corresponding to G.O. 30907/2016 PS Case No. 35/16 dated:

U/Ss 363/365/349A

①

Received date: 15.10.2016

Received an FIR in connection with above noted case. The case has been started on the basis of the complaint filed by the Defacto Complainant Masiah Lal Baboo against the accused person (s) Sr. Hasanur + 4 others

To S. 12 A

for I.O's report.

Dictated & corrected by me

ACJM, Kakdwip

Additional Chief Judicial Magistrate.

Kakdwip, 24 Parganas (South)

Letter -

Attd ① Hafiza Bibi
 ② Sr. Hasanur
 one brought under arrest
 as per this case.
 seen memo of ar, medical slips
 Remanded on 29.9.16

Bail prayer filed by 2 lawyers
 on behalf of 2 persons.
 The bail petition is moved
 H.D. Pending the material,
 on record. It is submitted
 that the accused has been
 arrested on complicity ground.
 The LD-APP has

G. R. 1405/16

✓

15.09.16

Strongly opposed the recent
order

considering the
submission of both sides
I am not inclined to
grant bail to the accused
person

Since the prayer for
bail is considered and rejected

The I.O. has prayed for 7 days
P.C. Remanded the a.i.D. The prayer
for P.C. is considered and allowed
for better investigation for 7 days.

The I.O. is directed not to
violate the human rights norms and
standards laid by the Hon'ble Supreme
Court while in the P.C. The I.O.
is further directed to provide
medical help to the accused
person by the M.O. of the Govt.
Hospital on every alternate 48
hours.

The I.O. must produce the
accused before this Court on 22.09.16
positively. Return the a.i.D.

Let a copy of this order be
sent to the J.M. for information.

To 22.09.16 for production

A.C. SIM.

Received of

15.9.16
Shyam Lal Biswas
SI of Police
15.9.16

✓

West Bengal Form No. 2711

ORDER SHEET
(RULE 129 ON THE RECORDS MANUAL 1917)

Order Sheet, dated from

District

No.

64 - 1405/16

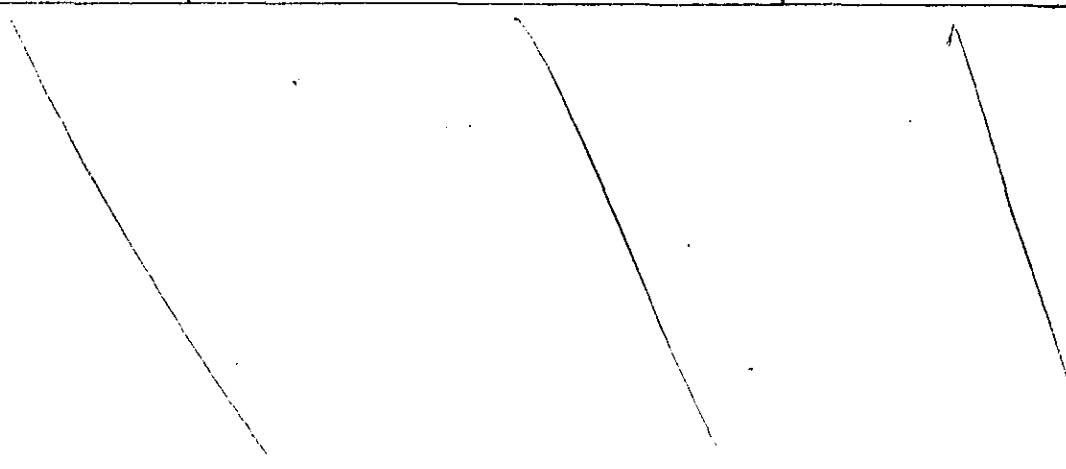
to

of 20

Nature of the case

Serial Number and date of Order	Order and Signature of Officer	Note of action taken on Order
20.9.16	<p>I.O. submitted a prayer for adding section 376/364/302 201 IPC in the original section of law.</p> <p>The prayer is considered and the</p>	<p style="text-align: right;">✓</p>
22.9.16	<p>AD. P.C. Hafiza Bibi</p> <p>② ex Hasana</p> <p>one produced by another party after completing P.C. period</p> <p>seen medical ship</p> <p>Remanded on 6.10.16</p> <p>omit prayer /st by Ad. Bg on behalf of 2 persons.</p>	<p style="text-align: right;">↑</p>

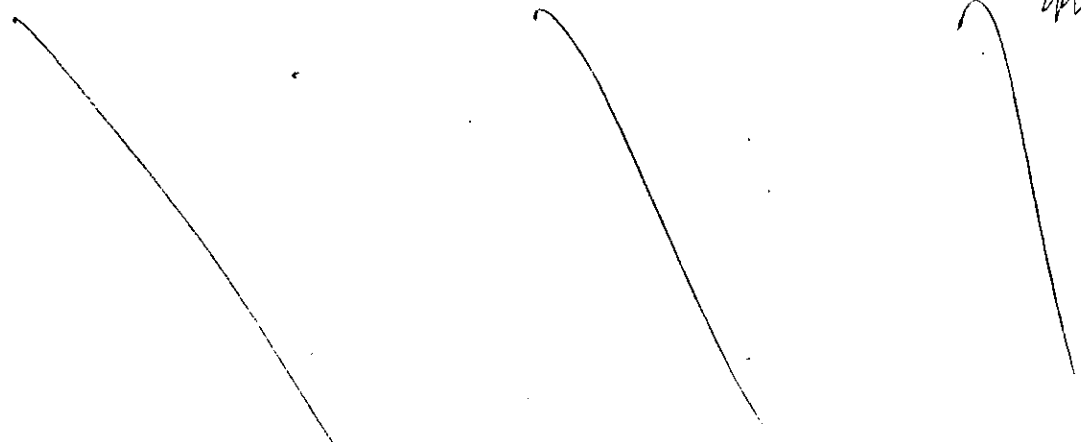
~~22.9.16~~



Serial Number and date of Order	Order and Signature of Officer	Note of action taken on Order
	<p>Remand C.K. 14 to 15 days of said person. Considering considering nature & gravity of offence bail prayer is rejected. To 23.9.16 for re-arrest detention between 02</p>	
06.10.16	<p>AD - ① Hafiza Bibi ② SA Hasnain are produced for SCIT Remanded on 3.11.16 None moved. To date</p>	
470016	<p>Remand of/5 No 470016 to 15 days 7/20/16 by the mention for the was exemplified to go in the of/5 434 under the name of SA Hasnain ① Hafiza Bibi of Rs. 10,000/- under the name of SA SA Hasnain and to the satisfaction of SA SA Hasnain Remand SA Hasnain is rejected.</p>	

AAE

AW



ORDER SHEET

(Rule 129 on the records manual 1917)

Order Sheet dated from

District

No. *145/16*

to

of 20

5

Nature of the Case

Serial Number and date of Order	Order and Signature of Officer	Note of action taken on order
<p><i>03.11.16</i></p>	<p><i>And SA Hasanur is produced from S.C.H. Remanded on 17.11.16. None moved to date.</i></p>	<p><i>[Vertical line]</i></p> <p><i>[Signature]</i></p> <p><i>A.L.S.M.</i></p>

[Signature]

[Signature]
A.L.S.M.

ORDER SHEET

(RULE 129 ON THE RECORDS MANUAL 1917)

Order Sheet, dated from

District

No. *Oct. - 1405/16* to
of 20

Nature of the case

Serial Number and date of Order	Order and Signature of Officer	Note of action taken on Order
13.11.16	<p><i>13.11.16</i></p> <p><i>13.11.16</i></p> <p><i>13.11.16</i></p> <p><i>13.11.16</i></p> <p><i>13.11.16</i></p>	<p>15.11.16</p> <p>AD (AD) (AD)</p>
01.12.16	<p><i>01.12.16</i></p> <p><i>Asst. SA Hasnani</i></p> <p><i>is produced from sect</i></p> <p><i>Remanded on 15.12.16</i></p> <p><i>None moved</i></p> <p><i>to date</i></p>	<p><i>2</i></p>
5/12/16	<p><i>5/12/16</i></p> <p><i>no report is received from Do.</i></p> <p><i>to 31.5.17 for 900 report of and put by Hasnani.</i></p>	<p><i>2</i></p>

Serial Number and date of Order	Order and Signature of Officer	Note of action taken on Order
13.12.16	Person RMR for ASU vide C.M.A. no-65/16 [Signature]	
15.12.16	AS Sr. Hameed is produced from S. CH. Remanded on 24.12.16 Bail proper filed by A. Singh on behalf of a person	

[Signature]

GR 1405/16

9

Contd. Order dt. 15.12.16

Bail petition is moved.

Heard.

Perused the materials on record.

Interim

It appears that the C.S has not been submitted.

It is Sessions triable case within statutory period.

The statutory period is over for submission of charge sheet.

The accused persons may find bail of Rs.5000/- each with two surety of Rs.2,500/- each. i.d. to j.c till date.

To 31.05.2017 for appearance, if on bail.

Dictated and corrected

by me:

[Signature]
A.C.J.M.

[Signature]
A.C.J.M.

*Left - Bail bond of Rs 5000/-
(2500/- + 2500/-) each for
the accused persons
by 2 sureties @ Parimal Das
& Sudarshan Bera which is
one part of accepted*

*Return out of the court
if not wanted in any other case*

COPY READY BY

[Signature]
29/1/16



COST

For Application..... 5.00
 For A. Fee..... 14.00
 For Ex. Fee..... 4.00
 Folios (9 Sheets) X 50.....
 Total..... 23.00

28/12/16
 Date of application for copy.....
 Date fixed for verifying the
 Remittances stamps.....
 Date of delivery of requisites stamps.....
 Date of Copy Ready.....
 Date of marking over the
 copy of to the applicant.....



[Signature]
 Comparing Clerk
 A.C.J.M.'s Court
 Kakdwip, 24- Pargs. (S)
 29-12-16

Examined & Found Correct

29.12.16
 Head Comparing Clerk *[Signature]*

Certified to be true copy

29.12.16
 Officer Authorised u/s 76
 of Indian Evidence Act. 1872

- 45 -

To,
The Officer-In-Charge,
Ganga Sagar Coastal P.S.,
Dist. -24 Parganas(S.).

4

Date : 23/12/16
23/12/16

Sub.: Complaint against Sk. Hasanur, Sk. Ansar, Sk. Nowsar,
Hapiza Bibi, Ansarun Bibi and their associates.

Sir,

I, the undersigned am an unfortunate person and praying for your kind concern to the sufferings of mine and my family. That my deaf and dumb sister Manashi Patra was abducted and later raped and murdered by Sk. Hasanur, Sk. Ansar, Sk. Nowsar with the abettal of Hapiza Bibi, Ansarun Bibi and their associates. In that regard an F.I.R. was also started from the concerned P.S. vide, Ganga Sagar Coastal P.S.- 85 dated 12.09.16.

In course of investigation the police of the concerned P.S. arrested Sk. Hasanur who was in jail custody. The said Hapiza Bibi was bailed out by the order of the Ld. District and Session Judge, Alipore. The remaining accused persons, named hereinabove are still not arrested as yet and are moving freely in the locality and causing threats of violence to the safety and security of my family and mine. In the meantime the remaining accused person had preferred applications for anticipatory bail before the Ld. District and Session Judge but considering the gravity of the offence and for the vehement objection of the Ld. A.P.P. and from the part of my Ld. Advocate the Ld. District and Session Judge, Alipore was pleased to reject the applications of the said accused persons. Being anguished by such objections from my part at the time of hearing of their applications before the Ld. District and Session Judge, Alipore, the said accused persons are now trying to terrify me and my family. They, with their associates are assembling in front of my house and shouting at us in most abusive languages. They are also following my family members whenever any of my family members go out of the house. Even they are also giving my family members threats of murder in daylight if I would dare to raise objection to their bail applications again.

In the meantime the said Sk. Hasanur who was in jail custody was granted bail on 15.12.2016 as the investigating officer, namely S.I. Shyamal Biswas, of the afore-said case did not submit the charge-sheet within the prescribed time. There is every reason for me to believe that the said investigating officer did not submit the charge-sheet intentionally which resulted into vigorous injustice to us as the said Sk. Hasanur, inspite of committing infernal crimes was bailed out and is now buzzing around in the daylight causing grave threat to the security of my family members and mine.

The said accused persons have already raped and murdered my deaf and dumb

Contd...

- 46 -

(2)

sister Manashi Patra with terrific brutality and have caused immense agony to me and my family members and now they are after me and my other family members which has made the lives of my family members and mine miserable. Day in day out we are living under threates of severity.

In this circumstance, I beg to pray your good self to take necessary action against the said accused persons who are ferocious in nature and are capable of endangering the lives of my family members and mine any time and as well as against the investigating officer, named hereinaabove, who has turned the investigation into a ridiculous event.

Thanking you in anticipation.

Yours faithfully,

Maniklal Patra

(Maniklal Patra)

Particulars of the complainant :

Maniklal Patra,
Son of Late Kanailal Patra,
Of Vill.- Ganga Sagar,
P.S.- Ganga Sagar Coastal,
Dist.- 24 Parganas(S.).

Particulars of the offenders :

1. Sk. Hasanur, Son of Ansar,
2. Sk. Ansar, Son of Ismail,
3. Sk. Nowsar, Son of Khadim,
4. Hapiza Bibi, wife of Sk. Ansar,
5. Ansarun Bibi, wife of Sk. Nowsar,
All are residents of Vill.- Ganga Sagar,
P.S.- Ganga Sagar Coastal,
Dist.- 24 Parganas(S.).

Copies forwarded to :

1. The Chief Secretary,
West Bengal.

2. The Secretary of Home Affairs,
West Bengal.

3. The Director General of Police,
West Bengal.

4. The Superintendent of Police, D.G. & I.G. Police
District 24 Parganas(S.).

Received Contents not v.

MP
23/12/16
Receiving Clerk
Police Office, Alipore. (S) 24 Pn.

26/12
Office of the Additional Chief Secretary
Home & Correctional Administration Deptt
Govt. of West Bengal
Habana, Howrah
23/12/16
West Bengal

417-

P-5

To,
The Director,
National Commission for Scheduled Caste,
5th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi,
Pin- 110 003.

Date: 26/12/2016

Sub.: Complaint against Sk. Hasanur, Sk. Ansar, Sk. Nowsar, Hapiza Bibi,
Ansarun Bibi and their associates.

Sir,

I, the undersigned am an unfortunate person and praying for your kind concern to the sufferings of mine and my family. That my deal and dumb sister Manash Patra was abducted and later raped and murdered by Sk. Hasanur, Sk. Ansar, Sk. Nowsar with the abettal of Hapiza Bibi, Ansarun Bibi and their associates. In that regard an FIR. was also started from the Concerned PS. vide, Ganga Sagar Coastal PS.- 85 dated 12.09.16.

In course of Investigation the police of the concerned PS. arrested Sk. Hasanur who was in jail custody. The said Hapiza Bibi was bailed out by the order of the Ld. District and Session Judge, Alipore. The remaining accused persons, named hereinabove are still not arrested as yet and are moving freely in the locality and causing threats of violence to the safety and security of my family and mine. In spite of several requests from my part to the police personnel they never took my problem seriously and also never made any effort to arrest rest of the accused persons, named hereinabove. In the meantime the remaining accused person had preferred applications for anticipatory bail before the Ld. District and Session Judge but considering the gravity of the offence and for the vehement objection of the Ld. A.P.P and from the part of my Ld. Advocate the Ld. District and Session Judge, Alipore was pleased to reject the applications of the said accused persons. Being anguished by such objections from my part at the time of hearing of their applications before the Ld. District and Session Judge, Alipore, the said accused persons are now trying to terrify me and my family. They, with their associates are assembling in front of my house and shouting at us in most abusive languages. They are also following my family members whenever any of my family members go out of the house. Even they are also giving my family members threats of murder in daylight if I would dare to raise objection to their bail applications again. Though I informed the investigating officer of this case and other police personnel over the said issue but none of them had paid heed to my pray.

In the meantime the said Sk. Hasanur who was in jail Custody was granted bail on 15.12.2016 as the investigating officer, namely S.I. Shyamal Biswas, of the aforesaid case did not submit the charge-sheet within the prescribed time. There is every reason for me to believe that the said investigating officer did not submit the charge- sheet intentionally which resulted into vigorous injustice to us as the said Sk. Hasanur, inspite of committing infernal crimes was bailed out and is now buzzing around in the daylight causing grave threat to the security of my family members and mine. I believe, along with my family members I were victimized as we belong to the so called 'scheduled caste' community and are treated as 'backward class'. For the vary same reason I, along with my family members were never granted justice in connection with the aforesaid event. The softness of our administrative system is another reason of the injustice to me as the accused persons belong to the so called 'minority class' for which they are granted vehement immune to be erratic and to do whatever they want which resulted into the brutality towards my deceased sister

राष्ट्रीय अनुसूचित जाति आयोग
National Commission for
Scheduled Castes
मयूक भवन साल्ट लेक सिटी
Mayukh Bhawan, Salt Lake City
26/12/2016
सरकार, कोलकाता
Government of India, Kolkata

The said accused persons have already raped and murdered my deaf and dumb sister Manashi Patra with terrific brutality and have caused immense agony to me and my family members and now they are after me and my other family members which has made the lives of my family members and mine miserable. Day in day out we are living under threats of severity. Over all these occurrences the negligence of the administration considering our belongings to the 'scheduled caste' community has deprived us from justice.

In this circumstance, I beg to pray your good self to take necessary action against the said accused persons who are ferocious in nature and are capable of endangering the lives of my family members and mine any time and as well as against the investigating officer, named hereinabove, who has turned the investigation into a ridiculous event.

Thanking you in anticipation

Yours faithfully,

Manik Lal Patra

Particulars of the complainant:

Manik Lal Patra,
Son of Late Kanai Lal Patra,
Of, Vill. Ganga Sagar,
PS.- Ganga Sagar Coastal,
Dist... 24 Parganas(s.)

Particulars of the offenders:

1. Sk. Hasanur, Son of Ansar,
 2. Sk. Ansar, Son of Ismail,
 3. Sk. Nowsar, Son of Khadim,
 4. Hapiza Bibi, wife of Sk. Ansar,
 5. Ansarun Bibi, wife of Sk. Nowsar,
- All are residents of Vill. Ganga Sagar,
PS.- Ganga Sagar Coastal,
Dist.- 24 Parganas(s.).

Copies forwarded to:

1 The Director,
National Commission for Scheduled Caste,
State Office, Mayukh Bhawan,
Ground Floor, Salt Lake City,
Kol.- 700 091

2. The President,
Hindu Samhati,
5, Bhuban Dhar Lane,
Kol.- 700 012.

ST-PCO KOLKATA GEO-700001
 E-INS 22 16 14 43 26 16
 Counter No: 49, CF-Code: 4345
 To: THE DIRECTOR, N.C.S.C.
 NEW DELHI, PIN: 110003
 From: MANIK LAL PATRA, (GANGA SAGAR, 743375)
 Wt: 15 grams,
 Amt: 32.00 (26/12/2016) 16:41
 Taxes: Rs. 2.00 (Track on www.inspost.gov.in)

RW-832162505N
बीमा नहीं NOT INSURED
 Amount of Stamps affixed Rs. 25/-
 एक रजिस्ट्री
 Received a Registered* *Alleg with AD*
 पानेवाले का नाम
 Addressed to: *Manik Lal Patra*
Ganga Sagar Coastal P.S.
P.O. - Chimanpuri, 24 Pgs.
743375
 5813
 26/12/16
 26/12/16
 743375
 पानेवाले अधिकारी के हस्ताक्षर
 Signature of Receiving Officer

Received.
Deb Jan Bhattacharya
26.12.2016





-49-

P-5⁽²⁾

Tel : 2321 3259
Fax : 2337 0977

Email : sckolkata09@gmail.com

No.2/27/2016-GEN/WB
GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED CASTES
STATE OFFICE : KOLKATA

Mayukh Bhawan(Ground Floor)
Salt Lake City
Kolkata – 700 091

Dated : 29-12-2016

To

The Superintendent of Police,
District-South 24 Parganas,
P.O. Alipore,
Kolkata – 700 027

Sub : Representation from Shri Manik Lal Patra, S/o. Late Kanai Lal Patra, Vill. Gangasagar, P.S. Gangasagar Coastal, Distt. 24 Parganas South regarding alleged rape and murder of his deaf & dumb sister

Sir,

Whereas a petition/complaint/information has been received by the National Commission for Scheduled Castes from Shri Manik Lal Patra, Gangasagar, Distt. South 24 Parganas dated 26-12-2016 as enclosed and the Commission has decided to investigate/inquire into the matter in pursuance of the powers conferred upon it under Article 338 of the Constitution of India. You are hereby requested to submit the facts and information and the action taken on the allegations/matters to the Undersigned within 30 days after receipt of this notice either by post or in person or by any other means of communication.

Yours faithfully,

Encl : As above

(A. Bhattacharyya)
Research Officer

Copy for information to Shri Manik Lal Patra, S/o. Late Kanai Lal Patra, Vill. Ganga Sagar, P.S. Ganga Sagar, District-South 24 Parganas, West Bengal.

(A. Bhattacharyya)
Research Officer

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তাং- ২/১/১৭

প্রতি,

অফিসার ইন চার্জ,

গঙ্গাসাগর কোর্টাল পুলিশ স্টেশন,

দক্ষিণ ২৪ পরগনা.

বিষয় - শেখ হাসানুর, শেখ আনসার ও শেখ নৌসার, হাফিজা বিবি, আনসারুন
বিবি সহ অন্যান্যদের বিরুদ্ধে মানসী পাত্রের অপহরণ, ধর্ষণ ও হত্যার অভিযোগ।

মহাশয়,

আমি, নিম্নস্বাক্ষরকারী, এক হতভাগ্য ব্যক্তি যে আমার নিজের ও আমার পরিবারের দুর্বিষহ পরিপ্রেক্ষিতে
আপনার সহৃদয়তা প্রার্থনা করছি। শেখ হাসানুর, শেখ আনসার ও শেখ নৌসার আমার মূক ও বধির
বোন, মানসী পাত্রকে হাফিজা বিবি, আনসারুন বিবি ও অন্যান্যদের সহায়তায় অপহরণ করে এবং তাকে
ধর্ষণ করে হত্যা করে। এই মর্মে গঙ্গাসাগর উপকূল থানায় একটি এফ আই আর দায়ের হয়। এফ আই
আর নং ৪৫, তারিখ 12.09.2016।

তদন্ত চলাকালীন সংশ্লিষ্ট থানার পুলিশ শেখ হাসানুরকে গ্রেপ্তার করে এবং সে জেলে থাকে। উক্ত হাফিজা
বিবি আলিপুর জেলা ও সেশন কোর্ট থেকে জামিন পেয়ে যায়। পুলিশ উপরিউক্ত বাকি অভিযুক্তদের
এখনও অবধি গ্রেপ্তার করতে ব্যর্থ হয় এবং তারা বিনা বাধায় এলাকায় ঘুরে বেড়াচ্ছে এবং আমাকে ও
আমার পরিবারকে শাসিয়ে যাচ্ছে। ইতিমধ্যে বাকি অভিযুক্তরা আলিপুর জেলা ও সেশন কোর্ট থেকে অগ্রীম
জামানতের আবেদন করে কিন্তু কেসের গুরুত্ব বিচার করে এবং মাননীয় অতিরিক্ত সরকারিপক্ষের উকিল
ও আমার উকিলের তীব্র বিরোধিতার ফলে তাদের সেই আবেদন অগ্রাহ্য হয়। আমার উকিলের আপত্তিতে
তাদের আবেদন অগ্রাহ্য হওয়ার ফলে তারা আমার উপর যারপরনাই ফুঙ্ক হয় এবং আমাকে ও আমার
পরিবারকে আতঙ্কিত করার চেষ্টা করতে থাকে। তারা তাদের সহযোগীদের সাথে আমাদের বাড়ির সামনে
জমায়েত হয়ে অশ্লীল গালাগাল করে। আমার বাড়ির কোন সদস্য বাড়ির বাইরে গেলে তারা তাকে
অনুসরণ করে। এমনকি আমি তাদের পরবর্তী জমিনের আবেদনে বাধা দিলে তারা আমাদের প্রকাশ্য
দিবালোকে হত্যা করার হুমকি পর্যন্ত দেয়।

ইতিমধ্যে, এই কেসের তদন্তকারী অফিসার, এস আই, শ্যামল বিশ্বাস নির্ধারিত সময়ের মধ্যে চার্জশীট জমা
না দেয়ার ফলে শেখ হাসানুর গত ১৫ই ডিসেম্বর জামিন পেয়ে যায়। আমি বিশ্বাস করি যে তদন্তকারী
অফিসার ইচ্ছাকৃতভাবে নির্দিষ্ট সময়ে চার্জশীট পেশ না করে আমাদের সাথে চরম অবিচার করেছেন এবং
তার ফলে অতি ঘৃণ্য অপরাধ করা সত্ত্বেও শেখ হাসানুর জামিন পেয়ে প্রকাশ্যে ঘুরে বেড়াচ্ছে এবং আমার
ও আমার পরিবারের নিরাপত্তা বিঘ্নিত করছে।

উক্ত অভিযুক্ত ব্যক্তির ইতিমধ্যেই আমার মূক ও বধির বোনকে অপহরণ করে নির্মমভাবে ধর্ষণ ও হত্যা
করেছে এবং আমার ও আমার পরিবারের প্রতি চরম অত্যাচার করেছে এবং আমরা প্রতিদিন এক সন্ত্রাসের
আবহে বসবাস করছি।

বস্বায়, আপনার কাছে বিনীত প্রার্থনা এই যে আপনি উক্ত অভিযুক্তদের বিরুদ্ধে উপযুক্ত ব্যবস্থা গ্রহণ করুন যাতে তারা আমাদের জীবন ও সম্পত্তির কোন ক্ষতি না করতে পারে। এর সাথে অনুরোধ যে আপনি উক্ত উক্ত তদন্তকারী অফিসারের বিরুদ্ধেও উপযুক্ত ব্যবস্থা গ্রহণ করুন যিনি সম্পূর্ণ তদন্তটিকে প্রহসনের রূপ দিয়েছেন। আমি এই মর্মে ইতিমধ্যেই গত ২৩শে ডিসেম্বর আপনাকে অবগত করেছি, কিন্তু আপনার তরফে উপযুক্ত ভূমিকা না দেখে পুনরায় আপনার দৃষ্টি আকর্ষণ করছি।

ধন্যবাদান্তে,

(Signature)

(মানিকলাল পাত্র)

অভিযোগকারীর বিবরণ -

মানিকলাল পাত্র

পিতা - স্বঃ কানাইলাল পাত্র

গ্রাম - গঙ্গাসাগর, থানা - গঙ্গাসাগর কোস্টাল

জেলা - দক্ষিণ ২৪ পরগনা

অভিযুক্তদের বিবরণ -

১. শেখ হাসানুর, পিতা- আনসার

২. শেখ আনসার, পিতা - ইসমাইল

৩. শেখ নৌসার, পিতা - খাদিম

৪. হাফিজা বিবি, স্বামী - শেখ আনসার

৫. আনসারুল বিবি, স্বামী - শেখ নৌসার।

সকলের ঠিকানা -

গ্রাম - গঙ্গাসাগর, থানা - গঙ্গাসাগর

জেলা - দক্ষিণ ২৪ পরগনা

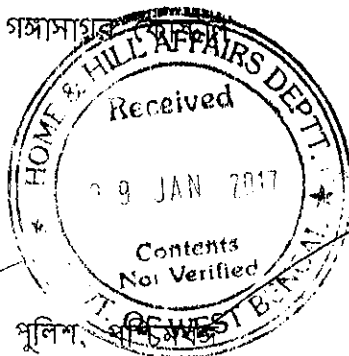
প্রতিলিপি -

১. মুখ্যসচিব, পশ্চিমবঙ্গ

২. স্বরাষ্ট্রসচিব, পশ্চিমবঙ্গ

৩. ডিরেক্টর জেনারেল অফ পুলিশ, পশ্চিমবঙ্গ

৪. সুপারিন্টেনডেন্ট অফ পুলিশ, দক্ষিণ ২৪ পরগনা জেলা।



Manjee
29/01/2017

RECORDED
Date Verified
(Signature)
Police

Unrecorded Contents not verified

M3
05/11/17
Receiving Clerk

3 F
10 W/K

District: South 24 Parganas

In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P. No. 3775 [W] of 2017

In the matter of:
An application under Article 226 of
the Constitution of India;

In the matter of:
Shri Manik Lal Patra
... Petitioner

Versus

The State of West Bengal & Ors.

... Respondents

PETITION

Kushal Chatterjee,

Advocate,

Bar Association Room no. 2,

High Court at Calcutta,

Phone no: (+91) 98305 96414

ee-15/Manik Lal Patra v State of West Bengal & Ors.