

GANGA MALIK

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v.

UNION OF INDIA & ORS.

(Writ Petition (Criminal) No. 201 of 2017)

MARCH 16, 2018

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[A. K. SIKRI AND ASHOK BHUSHAN, JJ.]

Writ: Writ of mandamus – Writ petition filed by father of Sub-Inspector of Police who was killed when police party which consisted of his son proceeded to arrest miscreants – While chasing the miscreants, the miscreants fired which hit son of petitioner and as a result he died – The prayer in writ petition was protection of life of petitioner and other family members; direction to State of West Bengal to expeditiously conclude the trial and direction to State to pay compensation for irreparable loss of losing her son – It was stated in writ petition that case was already registered and trial was going on – In so far as trial of criminal case is concerned the law shall take its own course – As regards the other reliefs, it is open for the petitioner to approach respondent no.2 for appropriate relief – By granting said liberty to petitioner, writ petition is dismissed.

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CRIMINAL ORIGINAL JURISDICTION : Writ Petition (Criminal) No. 201 of 2017.

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Under Article 32 of the Constitution of India.

P. S. Patwalia, Sr. Adv., Ms. Natasha Dalmia, Harshika Verma, Sakshi Kakkar, Somiran Sharma, Advs. for the Petitioner.

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Ms. V. Mohana, Kapil Sibal, A. M. Singhvi, Rakesh Dwivedi, Kalyan Banerjee, Sr. Advs. S. Wasim A. Qadri, Ms. Madhavi Divan, Ms. Nidhi Khanna, Ayush Puri, Mukesh Kumar Maroria, Suhaan Mukherji, Kunal Chatterji, Raja Chatterjee, Ms. Nandani Mukherjee, Chanchal Kumar Ganguli, Piyush Sachdev, Adeel Ahmed, Ms. Runa Bhuyan, Ms. Nandini Sen Mukherjee, Advs. for the Respondents.

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The Judgment of the Court was delivered by

ASHOK BHUSHAN, J. 1. The petitioner's case in this writ petition is that her son, Amitava Malik, Sub-Inspector of Police was killed on 13.10.2017 when Police party which consisted of Amitava Malik

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A proceeded to arrest several accused who were camping at south bank of river Chhota Rangeet, P.S. Sadar, Dajeeling. While chasing the miscreants the Police personnel were fired upon in which Amitava Malik son of the petitioner died. The petitioner in this writ petition has prayed for the following relief:

B *a) Issue a writ of mandamus or any other appropriate writ order or direction to the respondents to ensure that the petitioner and her family's life is protected;*

C *b) Issue a writ of mandamus or any other appropriate writ order or direction to respondent No.2, State of West Bengal to expeditiously conclude the trial in Sadar PS Case No.213 dated 13.10.2017 preferably within a time bound manner and punish the culprits;*

D *c) Issue a writ of mandamus or any other appropriate writ order or direction to the respondent to pay compensation to the petitioner for the irreparable loss of losing her son which cannot be quantified in monetary terms.*

E 2. Petitioner in the writ petition has stated that Case No.213 has already been registered in P.S. Sadar in which charge-sheet has also been submitted and trial is going on. In so far as trial of criminal case is concerned the law shall take its own course. In so far as other reliefs, we are of the view that it is open for the petitioner to approach respondent No.2 for appropriate relief.

F 3. By granting the aforesaid liberty to the petitioner, the writ petition is dismissed.