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Case Reference No. : LWB/06/2026

ORDER SHEET

Order Date	Order No.	Order
13.03.2026	03	Priyanka Santra Ashrafi W/o Md. Altaf, 239, Belilious Road, PO & PS – Howrah, Dist. – Howrah, PIN – 711 101. ... Complainant -Vs - The Director General of Police, West Bengal & Ors. ... Respondents The File is put up today for passing Order. This case arises out of a complaint filed by the complainant, Smt. Priyanka Santra Ashrafi. As required u/s 9(2) of the West Bengal Lokayukta Act, 2003, the complainant is accompanied by an affidavit. After receiving the complaint, this Forum, on consideration of the complaint, called for a Report from the Commissioner of Police, Howrah. The Report received from the Commissioner of Police, Howrah has been kept on record.

		Before conducting a full-fledged investigation into the complaint, this Forum thought it fit that a preliminary enquiry should be held. Accordingly, the case was taken up for holding preliminary enquiry on 06.03.2026. During preliminary enquiry, the complainant, Priyanka Santra Ashrafi has been examined on Oath and her statement has been recorded. As emanating from the complaint and the annexures thereto, the case of the complainant may briefly be stated as under : In the intervening night at around 03:30 a.m./04:00 a.m. of 09.02.2026 and 10.02.2026 while the complainant was in deep sleep, she heard screams and hue and cry of her minor elder male child who was sleeping in an another room with his brother. Hearing such alarm, she rushed to the room of her child and saw that her child was crying uncontrollably and his body was trembling in fear. While she enquired of him of the happening, he told her that Md. Munazir Hassan and Md. Akbar committed penetrative sexual assault on him. While she protested against those accused persons of their dastardly acts, they abused her in filthy languages and threatened her of dire consequences. On 10.02.2026 at around 12:30 p.m. while she was getting ready to go to the local police station to lodge a complaint, at that time a hooligan named Noor Saba caught hold of her hand. Besides, the assailment attempted to kill her elder minor male child by pressing a pillow on his neck. Meanwhile, the associates of the accused persons assembled there and they mercilessly assaulted the complainant and her husband. On such allegations, the complainant lodged an FIR
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		at Howrah Police Station and on the basis of her FIR, a Howrah PS Case No. 62 of 2026 dated 10.02.2026 under sections 127(2)/115(2)/118(1)/109(1)/351(2)/3(5) of BNS and u/s 4 of the POCSO Act was started for investigation against the accused persons namely Md. Munazir Hassan and Md. Akbar. The complainant states that after initiation of the aforesaid investigation, the Investigating Officer instructed her to produce the CCTV footage. But, she alleges that the accused persons, in order to destroy evidence, damaged the CCTV cameras. She also complains that while she, taking permission from the Officer-in-Charge of the concerned police station, went to install CCTV cameras at their premises, the accused persons obstructed the technician who arrived there to install cameras. The complainant also complains that because of the continuous intimidation given out by the accused persons and their associates, a reign of terror prevails there. She made appeal to the higher police authorities to take appropriate action to arrest the accused persons and to investigate the offence in proper direction, but to no effect. The complainant, Priyanka Santra Ashrafi, in her deposition, makes allegation of threat given out to them by the accused persons and their associates. Referring to the Report received from the Commissioner of Police, Howrah, questions were put to the complainant to what extent the investigation progressed. In answer to these questions, this witness states that during investigation, the Investigating Officer has arrested one accused namely Akbar Ahmed. Besides, the Investigating Officer has already interrogated her and got the statement of her elder minor male child recorded u/s 183, Bharatiya Nagarik Suraksha Sanhita (BNSS) before a Learned Judicial Magistrate. That apart, during
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		investigation, the I.O. has seized torn cloth of her husband and her and seized the original Birth Certificate of her elder minor child. Another question was put to this witness that while the Investigating Officer arrested one of the accused and got the statement of her child recorded before a Learned Judicial Magistrate, what was the inaction on the part of the police in conducting the investigation further. To this, the complainant states that despite giving assurance to the I.O. to identify the another accused, police has not taken any step as yet to arrest him. In such context, it will be apposite to refer to the Report received from the Commissioner of Police, Howrah which, <i>inter alia</i>, reads as under : • <i>“The petitioner Smt. Priyanka Santra Ashrafi w/o Md. Altaf Ashrafi had lodged a written complaint at Howrah PS against two accused persons namely Md. Munazir Ashrafi and Md. Akbar for allegedly committing sexual offence on her minor child from a previous marriage.</i> • <i>That the complainant as per her own admission resides in a flat which is rented and which was brought by her present father-in-law yet it remained unregistered in their names since there are several co-sharers of the original title of land. Hence a civil dispute regarding the ownership of their place of residence exists since long.</i> • <i>The accused in the instant case are the relative of complaint’s husband Md. Altaf ashrafi; Md. Munazir Ashrafi being the latter’s own brother and Md. Akbar the brother-in-law of Md. Munazir all of were was living in the same premises since quite some time along with their respective spouses.</i> • <i>Over the written complaint of the instant petitioner Howrah PS Case No. 62/26 dated 10.02.2026 u/s 4 POCSO Act r/w section</i>
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		<i>127(2)/115(2)/118(1)/109(1)/351(2)/3(5) BNS was started. From IO of this case it was learnt that one of the two accused Md. Akbar has already been arrested and the necessary medical test and other exhibits so collected during course of investigations has been sent to FSL. Eyewitnesses and neighbours have also been examined and their statement recorded u/s 180 BNSS; the recording of the alleged victim boy u/s 183 BNSS has also been completed. These steps having been taken by the police was confirmed by the petitioner.</i> <i>• The petitioner had further tried to install CCTV cameras in her residence common area in addition to CCTV installed by the co-sharers of the said land. This was objected to by the latter since it was a common passage and subject to NOC by others co-sharers of the said passage. Since the said matter is civil in nature the petitioner was advised to take refuge in proper forum for redressal of her grievance and the police could not help her install the CCTV in the face of the objections.</i> <i>• The petitioner had also alleged in her petition that she was constantly threatened and intimidated by the accused persons for withdrawal of the instant case but since after the arrest the same has stopped as per own admission. The petitioner admitted that she did not file a specific complaint over the alleged threat and intimidation hence the question of police inaction does not arise.</i> <i>In the event of the above facts and matters the allegations of police inaction and non-cooperation cannot be substantiated. The petitioner has been briefed about the fact that investigation over her FIR is on track. She was also advised to seek police help in the event of any further threat or intimidation and accordingly instructions given to OC Tikiapara and IC Howrah present. “</i> The Report as extracted above substantially corroborates the deposition of the complainant. It is evident from the Report
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that the I.O., during investigation, has already arrested one accused as above and arranged for recording statement of the victim boy u/s 183 of BNSS. Besides, the I.O. has taken necessary steps for medical test of the arrested accused and sending the seized articles to the Forensic Science Laboratory. Besides, the I.O. has recorded the statement of eyewitnesses and neighbours of the complainant u/s 180 of BNSS.

The Report shows that since there is a civil dispute amongst the co-sharers of the premises where the residential flat of the complainant situates and since there is no 'No Objection Certificate' from the other co-sharers, police has advised the complainant to take refuge in proper forum for redressal of her grievances. It is reported by the Commissioner of Police that in such attending circumstances, police could not assist the complainant to install CCTV.

As per the relevant provisions of the West Bengal Lokayukta Act, 2003, the Lokayukta may investigate into a complaint if there are allegations of corrupt practices or abuse of power against a Public Functionary or a Public Servant.

As the deposition of the complainant indicates, at this stage, no evidence is forthcoming before this Forum to come to this inference that the concerned police officials or investigating officer were or was indulged in corrupt practices or abuse of power. Therefore, this Forum feels that it will not be justified to proceed with the complaint for a full-fledged investigation.

Thus, the case is closed and the complaint is disposed of accordingly.

However, it is expected that the Investigating Officer shall conduct the further investigation effectively, so that the investigation may come to its logical end.

		Let a copy of this Order be sent to the complainant immediately. Also communicate the Order to the Commissioner of Police, Howrah for his information. Sd/- Justice Rabindranath Samanta Hon'ble Lokayukta
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