

W. P. (Cr) No. 50 of 2026

Deepika Hembram represented through her natural guardian Anita Hembram & Ors. Petitioners

Versus

The State of Jharkhand & Ors. Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioners : Mr. Md. Shadab Ansari, Advocate

For the Respondent-State : Ms. Amrita Banerjee, AC to G.P.-1

Oral Order

02 / Dated : 04. 02.2026

The instant writ petition has been filed for direction upon the respondents to institute the FIR with regard to transfusion of HIV infected blood to the minor petitioners at Chaibasa Sadar Hospital Blood Bank. Further prayer has been made to constitute a Special Investigation Team to be monitored by this Court to conduct a thorough, impartial and timebound investigation into the incident and to fix criminal liability against the persons responsible for the offence.

It is submitted by learned counsel for the petitioners that due to acts and omissions on the part of the persons in-charge of the blood bank, life of five minor children has been imperiled, as they contacted HIV virus due to blood transfusion done from the concerned blood bank.

Infected blood will come in view of the definition under Section 3(b) of the Drugs and Cosmetics Act, 1940. The use of spurious drugs is a cognizable offence under Section 36AC of the Drugs and Cosmetics Act, 1940.

A written report regarding this was filed by Dusru Kunkal before Officer In-charge of Chaibasa Sadar Police Station, West Singhbhum, but the case has not been lodged. The petitioners are from poor and marginalized section of society and despite the complaint, FIR has not been lodged.

Learned counsel for the State has submitted that as per instruction, no such complaint was given to the Officer In-charge by any of the petitioners or their guardians and, consequently, the case could not be lodged.

There cannot be any cavil with the legal proposition that the police is under the statutory duty to lodge FIR when the complaint discloses a cognizable offence. In the copy of the written report, annexed with the instant writ petition, date is not given.

Under the circumstance, any of the petitioners through their guardian to lodge written report before concerned police station, which will be registered without any delay and a copy of the same will be given to the informant. After such institution, copy of the written report will be filed before this Court, by way of counter affidavit by the officer-in-charge of the concerned PS.

List this case on 18.02.2026.

(Gautam Kumar Choudhary, J.)

AKT/Satayendra
Uploaded
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