



An Analysis Of Kolkata Rape And Mrder Case At R.G. Kar Medical College And Hospital

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Abstarct

Rape is not just a word; it is the worst feelings for women to face without making mistakes. Rape means physically touching the private parts of any female without her consent or in legal language. It is called sexual assault. This paper attempts to investigate or explain the impact of sexual harassment which currently happened in Kolkata with 31 year old doctor at R.G. Kar medical college and hospital. In this article we have discuss the criminal background of Sanjay Roy and also discuss the possibility of destruction of evidence which have been observe by the supreme court. Furthermore supreme court gives some order on safety issues for medical profession specifically which have been discuss through this article. The present study of this paper through some updates on news article shows the depth of this heinous crime.

I. Introduction :

¹Sexual violence is a serious and complex issue that involves non consensual sexual acts or behaviours. It can include rape, sexual assault, harassment and exploitation sexual violence and abuse impact the lives and wellbeing of victims and survivors in lots of different ways. As per the annual crime record bureau (NCRB) report², between 2017 and 2022, a total of 1.89 lakh rape cases were reported in India, involving 1.91 lakh victims. In at least 1.79 lakh cases, the rapist was a known person while 9,670 it was someone the victim did not know. Like these cases, one of the heinous crime happened at the R.G. Kar medical college and hospital in Kolkata West Bengal on 9th of the August with a 31 years old doctor named Moumita Debnath and the name of the suspect was Sanjay Roy.

Sexual assault includes many things:

- Actual or attempted rape or sexual assault.
- Unwanted pressure for sexual favors.

¹ Preventing sexual harassment (BNA communication, Inc.) SDC IP 73 1992 manual

²National crime record bureau.

- Unwanted deliberate touching, leaning over, cornering, or pinching.
- Unwanted sexual looks or gestures.
- Unwanted letters, telephone calls, or material of a sexual nature.
- Touching or rubbing oneself sexually around another person.
- Facial expression, winking, throwing kisses, or licking lips.
- Whistling at someone.
- Sexual comments.

II. Main body of the article

Incident description - on 9 August 2024, a 31 year old female postgraduate trainee doctor at R.G. Kar medical college and hospital in Kolkata was raped and murdered in a college building. Her body was found in a seminar hall in a semi nude state with her eyes, mouth and genitals bleeding. On August, a 33 year old male civic volunteer working for Kolkata Police was arrested under suspicion of committing the crime. She was later declared dead. College authorities initially informed her family that she had committed suicide.

An autopsy was conducted on 9 August and, after its completion, an unnatural death was registered³.

III. Background Of Accused:

Sanjay Roy, the prime accused in the rape and murder case of a trainee doctor at a state run Kolkata hospital, had a history of violence against women, multiple reports suggest. He was worked as a civic volunteer with the Kolkata Police's disaster management group since 2019. Later he was transferred to the police welfare cell and assigned to the police outpost at the hospital, granting him access to all department within the facility.

Investigation by the Kolkata Police have revealed that Roy's mobile phone contained several "disturbing and violent" pornographic clips. He also

³ Kolkata doctor rape murder case live updates: SC's tough questions for Bengal on Kolkata rape killing



reportedly confessed to the crime with no remorse and told the police, "if you want, you can hang me," as per local media reports.

Sanjay roy's neighbours have come forward with disturbing details about his personal life. They alleged he had married multiple times, with three of his wives leaving him due to his abusive nature. His fourth wife reportedly died of cancer last year grave allegations have also been levelled by Mr. roy's former mother-in-law. She stated that he assaulted her daughter when she was three months pregnant and due to that she lost child. Maximum person described him as a habitual offender, with a pattern of violence against women.

IV. Investigation by CBI :

An autopsy revealed that the victim had been raped and sexually assaulted before being killed and report also noted deep wounds in her genital tract, lips, left leg, right hand, eye. It was reported that the postmortem autopsy also revealed that around 150 mg of semen was found in the vaginal swab.⁴ The CBI investigation has not so far revealed any signs of occurrence of a gang rape. Following an investigation, the police arrested a suspect, a civic volunteer Sanjay Roy with the Kolkata Police Disaster Management Force who had been posted at the police outpost near the medical college. According to the Kolkata Police, he initially confessed to the crime.⁵ He was sent to **14 day judicial custody on 23 August.**

A special CBI court had granted permission to the agency to conduct a polygraph test on the accused as well as the ex-principal of the college⁶. The CBI raided the house of Sandip Kumar Ghosh and former medical superintendent and college vice principal, Sanjay Vashisth on 25 Aug and seized several documents. On 14 Sept Sandip Ghosh and Abhijit Mondal, the station house officer of Tala Police Station, were detained.

Ghosh is accused of complicity in the delay of filing the FIR and mishandling key evidence in the case.

Investigation of college principle : On 28 Aug the Indian Medical Association suspended the membership of Ghosh amid allegations of corruption and ongoing CBI and Enforcement Directorate investigations against him. On 2 Sept the CBI arrested Ghosh along with his security aide Afsar Ali and vendors Biplav Singha and Suman Hazar over

⁴ Business Today, 14 August 2024

⁵ Bhattacharya, Ravik Mitra, Atri, (14 Aug 2024) The Indian Express.

⁶ India Today, 23 August 2024.

financial irregularities and fraud during his tenure as the principal. On 14 Sept he was again arrested by the CBI along with the officer Abhijit Mondal for destruction of evidence at the hospital.⁷

V. Court proceedings :

On 13 August the Calcutta High Court unsatisfied with the police's handling of the investigation, assigned the case to the CBI they also flagged the possibility of destruction of evidence if the state police continued with their investigation.

On 18 August the SC took suo moto cognizance of the case. A three-judge bench headed by the Chief Justice of India S.Y. Chandrachud heard the matter on 20 August. Following the incident, the court constituted a national task force to ensure workplace safety for doctors and requested the protesting doctors to return their duties. The court ordered CRPF to provide security at the hospital and asked the CBI to submit a status report⁸.

The delay in filing the FIR : In the hearing on 22 August, the court criticized the law enforcement for the time delay between the discovery of the body and the **registration of FIR**. The crime was detected early in the morning, and an FIR was filed only late that night. The bench also noted that the principal of the medical college attempted to pass off the incident as a suicide and suppress the matter. "What was the principal doing?" the chief asked.

Report of UDI (unnatural death investigation) : At the hearing on 9 Sept, judges sought clarification over the precise time of death and the filing of an **unnatural death case**⁹. Sibal informed that bench that an UDI report was filed and that the perpetrator of the crime was identified as a civic worker at the hospital and had been caught. He also told the judges that a board was set up to investigate the matter immediately. He further stated that the body of the doctor underwent autopsy and post-mortem between 2 and 4:45 pm. Justice Pariwala remarked that an UDI was not an FIR. The chief observed that even if the autopsy and post-mortem was conducted between the stated time, it did not explain why the FIR was filed only at 11:45 pm.

⁷ Kolkata rape case: The Times of India, ISSN 0971-8257

⁸ Kolkata rape-murder case: SC orders CISF, CRPF to secure hospital after mob attack, News Update 20 August

⁹ NDTV update (9 Sept. 2024) : SC on the clarification of unnatural death



“The SC ordered that the name and photos of the victim be removed from social media and electronic platforms.¹⁰ On 17 sept 2024 the SC specifically instructed wikipedia to remove the name and photos of the victim”¹¹

education to tackle the root causes of gender-based-violence.

- If the case receives national attention, it can also spur discussion on the need for legal reforms. Gender sensitization, and long-term preventive measures to reduce crimes against women.

VI. Orders of SC on safety issues for medical profession:

The order of the court details a non exhaustive list of safety issues plaguing members of the medical profession today. This includes:

1. The lack of adequate resting spaces for doctors on night shifts, including the lack of separate rooms for male and female doctors.
2. Lack of basic sanitation needs for interns and staff who are on work shifts spanning over 36 hours.
3. Lack of security personnel in medical units.
4. Insufficient toilets on hospital premises.
5. Absence or lack of properly functioning CCTV cameras in hospitals.
6. Lack of screening for arms at hospital entrances.
7. doctors who play the dual role of medical professionals and emotional support givers.

VII. Conclusion :

the federation of resident doctors’s association (FORDA)¹² hereby announce the conclusion of its nationwide strike following acceptance of ALL their critical demands by the government. This decision comes after extensive negotiations and marks a step forward in ensuring the safety and rights of healthcare professionals across the country. National medical commission has established standard operating procedures for the nationwide application of enhanced security measures in healthcare institution. Furthermore, a ratification committee on the central healthcare protection act will be formed, with FORDA as a key stakeholder. This committee will work to ensure the timely implementation of the act, providing a safer working environment for healthcare workers as soon as possible.

VIII. Suggestions

- It is now a high time to call for broader changes in societal attitudes towards women, stronger legal framework, and enhanced the

¹⁰ SC order on 20.08.2024 passed in WP (C) diary no. 37158/2024

¹¹ The Hindu. ISSN 0971-751X

¹² Twitter handle: @FordaIndia