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**MAT 616 of 2020
with
CAN 1 of 2020**

**Rabindra Nath Sarkar
Vs.
The State of West Bengal & Ors.**

Mr. Satrajit Sinha Roy
Mr. Tapan Roy
... For the Appellant

Mr. Srijib Chakraborty
... For the State

By consent of parties the appeal and the application are disposed of.

The learned counsel for the appellant submits that this Court in exercising of its power under Article 226 of the Constitution of India should direct immediately the custody of the accused respondent nos. 5 & 6 and persons as named in the Baranagar P.S Case no. 338 of 2019 dated 13th July, 2019 initiated on the basis of the complaint of the appellant.

A further submission is made with regard to the registration of the case on the basis of the complaint dated 12th March, 2020 following the procedure enumerated under the Code of Criminal Procedure.

Learned counsel for the State submits that an FIR has already been registered in respect of Baranagar P.S Case no. 338 of 2019 but other complaint is concerned, the police authorities did not find any substance to register FIR.

The law is well settled on the score, if the person is aggrieved due to non-registration of FIR or not satisfied with the report filed by the police, the aggrieved person should take steps in accordance with law.

The writ court cannot be converted into a criminal court. Accordingly, we dispose of this appeal being no. MAT 616 of 2020 and the connected application with the observation that since FIR has been registered in respect of Baranagar P.S Case no. 338 of 2019, the trial court may proceed with the matter as expeditiously as possible. In so far as other complaint is concerned, the petitioner shall be at liberty to take appropriate steps in accordance with law.

(Soumen Sen, J.)

(Aniruddha Roy, J.)

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