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11.03.2020
Court No.2
DC

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

WPA 626 of 2020

Joshine Antony & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Raju Gupta
Mr. Kollil Ghosh.....for petitioner

Mr. Debabrata Dhar
Mr. Hirak Barman
Mr. Momenur Rahaman
Mr. Bedashruti Bose
Ms. Paramita Ghosh.....for State

The issue involved in this writ petition, though is police in-action but on a reading of the petition, it appears that a Social Worker is espousing the cause of illegal cattle trading and an enquiry as to the information allegedly given by him and for other directions to the police personnel.

It is admitted position the police has registered a complaint and a criminal case has been registered after seizure of several vehicles carrying the cattle. The Criminal Court is bound to follow the relevant laws and as such the apprehension of the petitioner is unfounded in this regard.

In any event, the issue cannot be gone into in a writ petition filed by the foundation for police inaction primarily because of the locus of the petitioner and the matter involves several districts including the border areas which is not only a sensitive issue but of national importance.

This cause of the petitioner can, however, be espoused in a properly constituted public interest litigation, if the petitioner is so advised.

Let the writ petition be dismissed for non-prosecution as the petitioner intends to withdraw the same.

There shall, however, be no order as to costs.

Urgent certified Photostat copy of this order, if applied for, be supplied to the parties upon observance of requisite formalities.

(Arindam Mukherjee, J.)