

17.05.2021
p.b.
Sl. No.2.

W.P.A. 10500 of 2021
(via Video Conference)

Santosh Kumar Shaw & Anr.
Vs.
State of West Bengal & Ors.

Mr. S. Das.

.....for the petitioners.

Mr. Koushik Chatterjee,
Mr. Nilanjan Adhikary.

.....for the respondent nos.5&6.

The learned advocate for the petitioners submit that pursuant to the direction of the Commercial Court, they had been to the petrol pump situated within the jurisdiction of Gurap Police Station where they were man-handled by the associates and agents of the respondent nos.5 and 6. To that effect, a representation was submitted to the Officer-in-Charge of Gurap Police Station on or about May 9, 2021 along with a compact disc which contained the CCTV footages of the incident which occurred at the petrol pump. The grievance of the petitioners, presently, is that the police authorities have unnecessarily diluted the case and are not investigating effectively.

Learned advocate for the State is present.

It has been submitted that pursuant to the said representation, Gurap Police Station Case No.81/2021 dated 13th May, 2021 was registered under Sections 341/323/324/504/506 of the Indian Penal Code and the investigation of the case is proceeding.

The learned advocate for the private respondents submit that a case was instituted at the instance of the private respondents and the same is also pending. The learned advocate for the respondents further submit that another writ petition in respect of similar cause of action has been preferred at the instance of the present petitioners and the same is yet to be considered.

The learned advocate for the petitioners submit that the incident referred to in the said writ petition is of the last week of April and is not related to the grievance which has been canvassed in the present writ petition.

Be that as it may, I have considered the contentions advanced by the present petitioners and I am of the view that the police authorities have promptly registered a case pursuant to the said complaint. It is for the police authorities to decide, at this stage, regarding the applicability of the sections in relation to the alleged offences and this Court at this stage is not in a position to interfere.

Having considered the grievance of the petitioners, I am of the opinion that at any stage of the investigation,

the petitioners are at liberty to approach the Jurisdictional Magistrate to call for a report enabling them to know the progress of the investigation.

Since no affidavits have been called for, the allegations made in the writ petition shall not be deemed to have been admitted by the respondents.

With the aforesaid observations, W.P.A. 10500 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)