

07.07.2021

Ct. No.13

Sl. No.80

pk/akd

W.P.A. 10890 of 2021 [via video conference]

["X" a victim of crimes -Vs- The State of West Bengal & Ors.]

Mr. Rohit Lakhmani
Mr. Ghulam Mustaba
Mr. Mohammed Amir

... .. for the petitioner

Mr. Anirban Roy .. Ld. Govt. Pleader
Mr. Jishnu Chowdhury
Mr. Raja Saha
Ms. Amrita Panja Mullick

... .. for the State

Learned counsel appearing for the State submits that it appears from the preliminary investigation conducted by the police that the original recording of the private clipping occurred at Ooty in Tamil Nadu. The petitioner had received the alleged threats amounting to extortion at Mumbai in Maharashtra. Certain sums of extortion money paid by petitioner were withdrawn from the account of the Bank of Baroda, Jodhpur Park Branch, Kolkata.

This Court would have normally expected a victim of the crime of this nature to approach the police station nearest to him. The petitioner is ordinarily a resident of Mumbai and works there.

Given the jurisdictional issues in the instant case, it would be inappropriate to arrive at any finding of inaction by the police at Kolkata.

This Court is, therefore, of the view that the dicta of the Hon'ble Supreme Court in the case of ***Sakiri Vasu vs. State of U.P. & Ors.*** reported in ***(2008) 2 SCC 409*** must be applied and the petitioner should approach the jurisdictional Magistrate under

the provision of Section 156(3) of the Code of Criminal Procedure.

It is made clear that this Court has not expressed any opinion whatsoever on the territorial jurisdiction of the matter. The petitioner shall be at liberty to take steps in accordance with law.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)