

15/07/2021
Item No.2.
Court No.8.
AB

Through Video Conference

W. P. A. 11080 of 2021

Smt. Santana Gorani

Vs

The State of West Bengal & Others

Mr. S. N. Ray,
Mr. S. N. Hossain,
Mr. S. M. Rahaman ...for the Petitioner.

Mr. Anirban Roy,
Mr. Raja Saha,
Mr. Amit Kumar Ghosh ...for the State.

Mr. Rajdeep Bhattacharya
 ...for the Private Respdt.

The petitioner complains of police inaction.

Learned advocate appearing for the petitioner submits that, the petitioner makes two contentions. So far as the first contention with regard to illegal occupation of the property is concerned, he submits that, the private parties may avail of their remedy before the appropriate forum. He, however, submits that, the police did not look into the complaint relating to sale of country liquor by the private respondent.

The State and the private respondent are represented.

Learned advocate appearing for the State relies upon a written instruction and submits on such basis that there is a relationship between the petitioner and the private respondent. Enquiry did not substantiate the allegation of sale of country liquor at the locale. Therefore, the police submitted a prosecution under Section 107 of the Code of Criminal Procedure.

The report submitted on behalf of the State is taken on record.

Since the allegation of sale of country liquor remains unsubstantiated, the police submitted a prosecution under Section 107 of the Code of Criminal Procedure. The police, therefore, did not enquire into the complaint and proceeded thereon. It cannot be said that there is any inaction on their part. It would be open to the petitioner to produce any evidence of sale of country liquor at the locale if there is any. No doubt, on such complaint being lodged with the police station, appropriate steps will be taken thereon.

W.P.A. No.11080 of 2021 is disposed of, accordingly.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Debangsu Basak, J.)

