

11-08-2021  
ct no. 13  
Sl.73  
sp

**WPA 11561 of 2021**  
Barjahan Sheikh & Ors.

**-Versus-**

State of West Bengal & Ors.  
**(Via Video Conference)**

Mr. Dhiraj Trivedi,  
Mr. Bikash Kumar Singh

...for the petitioners

Mr. Subhabrata Datta,  
Mr. Abdus Salam,  
Mr. B.B. Datta

...for the State

Mr. Abdul Hamid Molla,  
Mr. Syed Shahansha,  
Mr. A.K. Das,  
Md. Hadi

...for the respondent nos. 8, 10, 14 and 15

Mr. Soumya Majumdar,  
Mr U. Mallick

...for the respondent nos. 9, 11, 12, 13 and 16

Affidavit of service filed in Court today by  
the learned counsel for the petitioners is taken on  
record.

Counsel for the petitioners submits that his  
client had registered a complaint with the Usti  
Police Station on April 7, 2021 which was  
registered as FIR being Usti Police Station Case  
No. 119 of 2021 under Sections  
143/147/436/427 and Section 34 of the Indian  
Penal Code.

It is submitted by the learned counsel for  
the State that the complaint was registered by  
email and not by physically. Another complaint by

the private respondents against the petitioner was received on April 7, 2021 and an FIR No. 117 of 2021 was registered on the same date at about 23.50 hours under Sections 341/323/324/325/307 and Section 34 of the IPC and under Sections 25 and 27 of the Arms Act.

It is submitted by the counsel for the petitioner that the FIR against the complaint of the petitioners' has been lodged a day after and the private respondents' complaint against the petitioners was registered on the same day only to back date, his client's complaint.

The allegations are denied by the counsel for the State. It is submitted that arms have been recovered from the petitioners and one person arrested and the rest of the persons have been granted bail on surrender. The investigation is on.

Insofar as the FIR against the private respondents is concerned, it is submitted that one person has been detained in custody and the rest of the accused persons are released on bail and investigation is still on.

The Officer-in-Charge, Usti Police Station is, therefore, directed to complete investigation into the two FIRs within a period of 45 days from date and submit a final report before the Jurisdictional Magistrate.

The petitioners as well as the private respondents shall be entitled to take necessary

objections and/or Naraji to the said final report, if so advised.

The petitioners express threat to their life and person and are being unable to enter into their own premises or open and run their businesses.

Counsel for the State submits that there is already a police picket posted at the said premises in view of the clashes that have ensued between the petitioners and the private respondents.

It is ordered that the Officer-in-Charge, Usti Police Station shall furnish necessary security to the petitioners to enable them to enter into their houses and live peacefully. The petitioners shall also be entitled to carry out trade and business in peace and shall also be provided security for the same.

In that view of the matter, the petitioners and/or their representatives shall communicate to the Usti Police Station the exact date on which they wish to move their premises and open their businesses and the Officer-in-Charge, Usti Police Station shall provide all necessary police force to secure the petitioners as indicated hereinabove.

The police picket already posted shall continue for a further period of one month or any further period as may be deemed necessary by the Police.

The Officer-in-Charge, Usti Police Station shall continue to maintain regular vigil in the locale and ensure that there is no breach of peace.

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

There shall be no order as to costs.

Since no affidavits have been used by the respondents, the allegations made in the writ application shall not be deemed to have been admitted by this Court.

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

**(Rajasekhar Mantha, J.)**