

03-08-2021
ct no. 13
Sl.5
sp

WPA 11847 of 2021

Suraj Das

-Versus-

State of West Bengal & Ors.

(Via Video Conference)

Mr. Uday Shankar Bhattacharya,
Mr. Narendra Prasad Gupta,
Ms. Suparna Biswas

...for the petitioner

Mr. Anirban Ray, Id. G.P.
Mr. Raja Saha,
Mr. Biswabrata Basu Mallick

....for the State

Mr. Washim Ahmed

...for the respondent nos. 9 and 10

The petitioner is aggrieved by that fact that the respondents have not taken steps in respect of the complaint dated July 16, 2021 lodged with the Karaya Police Station and the State authorities and the National Commission for Schedule Caste and Schedule Tribe.

Counsel for the State Mr. Raja Saha relying upon instructions of the Officer-in-Charge, Karaya Police Station dated July 28, 2021, submits that an FIR has been registered being No. 193 dated July 23, 2021 and Special Case No. 23/2021 under Sections 341/323/506/114 of the IPC read with Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the private respondent nos. 9 and 10. It is submitted that investigation is still on.

Counsel for the private respondents submits that the complaint is motivated. It is submitted that the petitioner has been set up by the tenants of a premises owned by the private respondents against whom a decree for eviction has been passed. It is submitted that the complaint is an attempt to pressurize the private respondents not to enforce the decree. This Court cannot enter into the said issue. The Officer-in-Charge, Karaya Police Station is directed to complete investigation into the subject FIR and submit a final report before the jurisdictional Magistrate within a period of 45 days from date positively and mandatorily.

It is needless to mention if the petitioner is aggrieved by the final report, he may take steps, inter alia, in the form of a Naraji petition.

Since the petitioner expresses threat to his person, the Officer-in-Charge, Karaya Police Station shall take necessary steps to protect the petitioner.

The pendency of the aforesaid investigation by the Karaya Police Station shall not prevent the authorities concerned from entertaining any prayer for compensation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Such prayer for compensation as contained in the writ petition and/or complaint dated July 16, 2021 shall be

disposed of preferably within a period of 3 months from the date of communication of a copy of this order.

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 private respondents, none of the allegations made in the writ petition shall 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.)