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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8865 of 2020

Gobinda Das @ Gobinda Chandra Das
Vs.
The State of West Bengal & Ors.

Mr. Subhro Prakash Lahiri,
Mr. Sk. Nizamuddin,
Mrs. Barnali Gupta
... For the petitioner.

Mr. Pantu Deb Roy,
Mr. Anand Fermania
... For the State.

By an order dated 4th March, 2021, I had directed the respondents no.3 and 4 to file a fresh report in the form of an affidavit indicating the details of the complaints made by the petitioner subsequent to the passing of the order dated 4th December, 2019 and the steps that have been taken in terms thereof, since the report filed on that date was of 11th November, 2020. The respondents no.3 and 4 have produced a fresh report signed by the respondent no.4 on 16th March, 2021, but the same is not in the form of an affidavit as directed.

After perusing the report, I find that the writ petition wherein the petitioner alleges inaction on the part of the police authorities can be disposed of by taking on record the fresh report dated 16th March, 2021 without insisting upon the same to be brought on record in the form of an affidavit.

It appears from the said report that Kalna Police Station received a complaint through India Post from the petitioner on 14th August, 2020. After preliminary inquiry an FIR was registered on 9th September, 2020 and a specific police case, being Kalna P.S. FIR No.549 of 2020 dated 9th September, 2020 was initiated under sections 323/354/448/506/34 of the Indian Penal Code, 1860 (in short, IPC) as against Rajib Mondal and six others. After completion of investigation a charge sheet has also been filed with the jurisdictional Magistrate. It is, therefor, not a case where the police did not act on receiving the complaint from the petitioner. Thus, no element of police inaction is made out.

The petitioner says that the aftermath of the complaint is that the petitioner is unable to enter the petitioner's house and he is under threat of his life and property from the respondents no. 8 to 13 of the instant writ petition. The petitioner says that the petitioner has lodged a complaint in respect of such incident on 5th October, 2020 with the Superintendent of Police, Purba Bardhaman, by sending such complaint through post but no action has been taken in terms thereof.

On perusal of the report, it appears that the police after receiving the complaint had on 31st

October, 2020, made a visit to the petitioner's house which was found to be under lock and key. The Inquiry Officer, S.I., Goutam Mondal, contacted the petitioner's wife, Smt. Anjali Das over telephone when the said Inquiry Officer was told that the petitioner and his wife was staying at their daughter's house in Pundooah, District – Hooghly. The Inquiry Officer had requested the petitioner's wife to return to their house if they so desired and further assured them to provide all legal assistance as and when they sought for and required. This part of the report also makes it clear that there is no inaction on the part of the police.

The writ petition is, therefor, disposed of by allowing the petitioner to seek necessary assistance from the police authorities if the petitioner finds any inconvenience in returning to his house or staying thereat.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)

