

02.08.2022
Sl. No.364(ML)
srm

W.P.A. No. 1068 of 2021

Subhajit Biswas

Versus

The State of West Bengal & Ors.

Mr. Asraf Mandal

...for the Petitioner.

Sk. Md. Galib,
Ms. Subhra Nag

...for the State-respondents.

Mr. Kaushik Dey

...for the respondent No.9.

The police report is taken on record. It appears that the complaint of the petitioner filed before the learned ACJM, Tehatta was forwarded to the Palashipara Police Station. Palashipara Police Station Case No.353 of 2020 dated December 10, 2020 under Sections 448/323/325/307/34 of the Indian Penal Code was started. Upon completion of the investigation, a charge sheet *vide* Palashipara PS Charge Sheet No.22 of 2021 dated January 31, 2021 under Sections 447/323/325/34 of the Indian penal Code was filed, by showing one of the accused persons, namely Banalata Bain as absconding. A prayer for issuance of warrant of arrest has also been made. The investigating officer recorded statements of the petitioner and others under Section 161 of

the Code of Criminal Procedure. Injury report was obtained from the Pritimoyee Rural Hospital. Abhijit Biswas, one of the FIR named accused, was arrested on January 15, 2021. On January 25, 2021, rest of the FIR named persons surrendered before the learned ACJM, Tehatta and they were released on bail.

The other complaint of the petitioner was acted upon and on the basis of the complaint, a prosecution under Section 107 of the Code of Criminal Procedure was filed against the alleged miscreants.

Under such circumstances, nothing further remains to be decided in the writ petition. The police report indicates that an FIR was registered against the petitioner which resulted in the filing of the charge sheet. Such issue is not relevant for the purpose of disposal of the writ petition.

The petitioner is entitled to protection as he apprehends that he may be hurt. Any prayer made before the police authorities shall be disposed of upon assessing the threat perception.

As charge sheets have been filed, the parties are now required to face trial.

This order is relevant only for the purpose of disposal of the writ petition.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of
this order.

(Shampa Sarkar, J.)