

11.7.2022  
Court No. 19  
Item no.3  
sn

WPA No. 1144 of 2021

Md. Sarif Newaj  
Vs.  
The State of West Bengal & ors.

Mr. Pinak Kumar Mitra ....for the petitioner

Mr. Ashim Kumar Ganguly  
Ms.Sukla Das Chandra ..for the State

The petitioner is aggrieved by the inaction on the part of the police authorities of Tamluk Police Station, District Purba Medinipore.

On the complaint of the petitioner, Tamluk Police Station Case No. 649 of 2019 dated October, 22, 2019 had been registered under Sections 420 and 406 of the Indian Penal Code.

Allegation is that the police authorities, despite having registered the case, did not proceed with the investigation. Hence, this writ petition was filed.

Mr. Ganguly, learned advocate for the State respondents submits, on instructions, that the principal accused persons, who are advocates by profession, are absconding.

On the prayer of the police authorities, the warrants of arrest have been issued by the learned Jurisdictional Magistrate, but the warrants are yet to be executed. With regard to other accused persons, it

is submitted by Mr. Ganguly, that they had been arrested in the course of investigation and were subsequently released on bail.

Under such circumstances, this Court is of the view that unless the warrants of arrest are otherwise stayed or set aside by any superior forum, the police authorities must take steps to ensure execution of the warrants of arrest and issuance proclamation etc. in case of failure to execute, by taking appropriate steps before the learned jurisdictional Magistrate.

As the investigation is still going on, this court directs that the investigation with regard to Tamluk Police Station Case No. 649 of 2019 dated October, 22, 2019 shall be concluded expeditiously.

The Superintendent of Police, Purba Medinipore shall monitor the progress of the investigation.

This Court has not expressed any opinion with regard to culpability of any person. However, as the investigation is under progress, the same must be concluded in a free, fair and impartial manner.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

**(Shampa Sarkar, J.)**