

S/L 47
14.06.2022
Court. No. 19
GB

WPA 6607 of 2022

Ratna Das
VS
The State of West Bengal & Ors.

Mr. Kamlesh Jha,
Ms. Srabani Biswas.

...for the Petitioner.

Mr. Tapan Kumar Mukherjee,
Ms. Sangeeta Roy.

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

Upon considering the submissions made by Mr. Jha, learned advocate appearing on behalf of the petitioner, this Court finds that the sole contention of the petitioner is that, the petitioner's son was illegally detained and falsely implicated in a case under Section 21(c) of the NDPS Act by the officers of the Nimta Police Station. According to the petitioner, the allegations against her son, were baseless and the detention was completely illegal. Interference and necessary orders of this Court, has been prayed for.

This Court is of the view that the jurisdiction under Article 226 of the Constitution of India cannot be invoked for grant of an order under Section 439 of the Code of Criminal Procedure, especially when the offence relates to the NDPS Act.

The remedy of the petitioner is before a different forum. However, with regard to the allegations of extortion of money, wrongful seizure of vehicles and gold chain, which

were subsequently returned upon payment of a huge amount of money by the petitioner's mother, are matters to be decided by the administrative head of the officers of the Nimta Police Station.

Mr. Mukherjee, learned additional Government Pleader has filed a report prepared by the Officer-in-Charge of the Nimta Police Station. The report enumerates the reasons and details of the facts, which led to the arrest of the son of the petitioner and his involvement in the case under the NDPS Act. This court cannot interfere with these proceedings.

Accordingly, the writ petition is disposed of with a direction upon the petitioner to file a representation before the Commissioner of Police, Barrackpore Commissionerate. The Commissioner of Police shall make an enquiry into the allegations against the police through a competent officer, not below the rank of Assistant Commissioner of Police. During such enquiry, the petitioner's mother will be heard and the authorities of Nimta Police Station shall also be heard. Necessary reports shall be filed before the Commissioner of Police. On the basis of what transpires during such enquiry against the police authorities and their alleged overt act, steps shall be taken in accordance with law against the erring officers.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)