

S/L 2
04.07.2022
Court. No. 19
GB

WPA 7025 of 2022

Sk.Ejajul
VS
The State of West Bengal & Ors.

*Mr. Robiul Islam,
Mr. Jayed Hossain,
Mr. S.A. Munshi,
Mrs. Feroj Khatun.*

...for the Petitioner.

*Mr. Subhabrata Datta,
Mr. Debashis Sarkar.*

...for the State.

*Mr. Kaustav Ch. Das,
Sehejan Ali.*

...for the Respondent Nos.7 to 11.

The writ petition has been filed alleging inaction of the Officer-in-charge, Ramnagar Police Station. It is the specific contention of the petitioner that the police authorities have acted in collusion with the respondent nos.7 to 11 by not registering an FIR on the date of incident. Although the police authorities were present at the place of occurrence when the petitioner had been assaulted by his brothers, no case had been registered.

It is next urged that the injuries sustained by the petitioner are serious injuries and not only the petitioner, but his father and wife were also assaulted. The allegation is that the police authorities are not conducting the investigation, in a proper manner.

Mr. Das, learned advocate appearing on behalf of the respondent nos.7 to 11, submits that the dispute was over an ancestral property and a hot altercation, had taken place. The allegations of the petitioner are not totally correct. He

further submits that the police authorities have already registered an FIR and the respondent nos.7 to 11 have obtained bail. Mr. Das further submits that the said respondents have not obstructed either the petitioner or the father or the wife of the petitioner from residing in the premises in question.

Mr. Sarkar, learned advocate appearing on behalf of the police authorities have filed a report. From the report, it appears that an FIR was registered vide Ramnagar PS Case No.113 of 2022 dated April 3, 2022 under Sections 447/341/323/325/307/354B/379/506/34 of the Indian Penal Code. During investigation, the investigating officer visited the place of occurrence, recorded the statements of local witnesses under Section 161 of the Code of Criminal Procedure. Ten FIR named accused persons surrendered before the learned court below on April 6, 2022 and they were released on bail with the condition that the male accused persons must meet the investigating officer once in a week until further orders. Injury reports of the petitioner, his wife and the sister-in-law were collected from the medical officer of Contai Sub-Division Hospital. The matter is under investigation. The opinion of the medical officer, however, indicates that the injury was 'simple' in nature. It appears that the petitioner was not available for recording statement.

The petitioner, his father and his wife shall make themselves available in order to get their statements recorded under Section 161 of the Code of Criminal Procedure. If the petitioner, his father and his wife wish to

return to the house, they shall approach the Officer-in-Charge, Ramnagar Police Station on July 6, 2022 at 11:00 a.m. The petitioner, his father and his wife shall be escorted back to the house by the police authorities. The police authorities shall ensure peaceful entry and stay of such persons and keep a vigil.

The dispute between the parties, is not gone into. This Court does not have any jurisdiction to decide the other issues, which had been raised. The investigation shall be completed in a free, fair and impartial manner.

Accordingly, the writ petition is disposed of.

However, there will be 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.)