

S/L 9
22.6.2022
Court. No. 19
sn

WPA 9928 of 2022

Rajesh Kumar Tiwari
Vs.
The State of West Bengal & Ors.

Mr. Lokenath Chatterjee
Mr. B.K. Singh
Mr. Ranajit Kr. Roy
Mr. Dipak Kr. Chakraborty ... for the petitioner

Mr. Subhabrata Data
Mr. Banibrata Datta ..for the State

The petitioner alleges overt act by the police.

Essentially, the petitioner has prayed for a mandamus upon the Officer-in-Charge, Basni Police Station. He prays for a direction upon the said respondent to withdraw the notices issued under Section 41A and 91 of the Code of Criminal Procedure. It is submitted that the notices were not in the prescribed form. Hand written pieces of paper were served on the petitioner.

The Burrabazar Police Station has filed a report, from which it appears that Basni Police Station Case No. 102 dated April 5, 2022 under Section 420/406 of the Indian Penal Code was registered against the petitioner. The notices under Section 41A and 91 of the Code of Criminal Procedure have been issued by the Basni Police Station, Jodhpur West, Rajasthan. The police authorities have further submitted that they

do not have any knowledge of the case, which has been registered and is being investigated.

The police report is taken on record.

The petitioner submitted that 41A notice was issued after more than one month.

The petitioner seeks relief in respect of a proceeding which is being investigated by the Rajasthan police.

This Court does not have any jurisdiction to entertain this writ petition and the same is disposed of without any orders.

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.)