

29.08.2022
Sl. No.13(SL)
srm

W.P.A. No. 14389 of 2022

Moktar Gazi

Versus

The State of West Bengal & Ors.

Mr. Prantick Ghosh

...for the Petitioner.

Mr. Ashim Kumar Ganguly,
Ms. Karabi Roy

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent Nos.4 and 5.

The petitioner alleges police inaction. On the complaint of the petitioner, Hasnabad Police Station Case No.675 of 2021 dated November 16, 2021 under Sections 447/323/325/307/354B/427/506/34 of the Indian Penal Code and Sections 25/27 of the Arms Act was started against three persons including the respondent Nos.4 and 5. It appears that there are three FIR named accused persons. One surrendered and was released on bail. The other two are absconding. It is submitted by the petitioner that the prayer for anticipatory bail filed by the other two accused persons had been rejected by the learned jurisdictional court. Yet, the police authorities have not taken steps to apprehend them.

The police authorities have filed a report. It appears that the investigation is going on. Place of occurrence was visited, sketch map was drawn with index, photographs have been taken. Statements of available witnesses and the informant under Section 161 of the Code of Criminal Procedure, were recorded. The informant was issued a notice under Section 91 of the Code of Criminal Procedure for production of medical documents. Statements of the wife and daughter-in-law of the informant were recorded under Sections 161 of the Code of Criminal Procedure. Raids were conducted, but the other two accused persons could not be traced. The police made a prayer for issuance of warrant of arrest against Saiful Mondal and Safikul Mondal. Warrants of arrest were issued in respect of Saiful Mondal and Safikul Mondal by the learned Additional Chief Judicial Magistrate, Basirhat. The police authorities are hopeful that the warrants shall be executed in accordance with law. It appears that the learned Court below has fixed September 14, 2022 for execution of the warrant of arrest and report.

Under such circumstances, this Court is of the view that the police authorities have taken steps so far with regard to the investigation. However, as the learned Court below has already fixed September 14, 2022 for necessary report by

the police authorities, upon execution of warrants of arrest, no further order is required on the same issue.

The writ petition is disposed of accordingly with the direction that the police authorities shall take steps on the basis of the order of the learned ACJM, unless the warrants of arrest have otherwise been stayed and/or set aside by the competent court of law.

This Court has not expressed any view on the allegations made by the petitioner against the respondent Nos.4 and 5 and the complicity of the said respondents have not been considered.

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.)