

22.06.2022
Sl. No.88
srm

W.P.A. No. 15305 of 2021

Subhasis Jana

Versus

The State of West Bengal & Ors.

Mr. Asis Bhattacharyya

...for the Petitioner.

Mr. Amitesh Banerjee,
Mr. Tarak Karan

...for the State-respondents.

Mr. Nilanjan Bhattacharjee,
Mr. Sanjoy Karan

...for the Respondent No.5.

The Officer-in-Charge, Sankrail Police Station, Howrah Police Commissionerate has filed a report, from which it appears that the petitioner was an accused in Sankrail Police Station Case No.250/21 dated February 26, 2021 under Sections 420/406/120B of the Indian Penal Code along with his brother as also in Sankrail Police Station Case No.590/21 dated May 15, 2021 under Sections 420/406/34 of the Indian Penal Code.

It also appears that the parents of the writ petitioner moved the learned Sub-Divisional Executive Magistrate, 2nd Court at Howrah against the respondent Nos.5 to 14 by filing five separate applications under Section 144(2) of the Code of Criminal Procedure. Prosecutions under Section 107 have been submitted in respect of some of the respondents.

It is submitted by the petitioner that charge sheets have been filed in respect of both the FIRs. The petitioner surrendered before the learned jurisdictional Magistrate and obtained bail and the trial is proceeding.

The petitioner complains that the police authorities have failed and neglected to grant protection to the petitioner when the petitioner tried to remove his furniture from his rented accommodation.

Mr. Bhattacharjee, learned Advocate appearing on behalf of the respondent No.5, one of the obstructers, submits that no such incident took place and the respondent Nos.5 to 14 did not restrain the petitioner from using his rented accommodation. Mr. Bhattacharjee further submits that the writ petition has been filed to prejudice the trial and to avoid payment of the loan which the petitioner and his brother had taken from these respondents.

Mr. Banerjee, learned Senior Standing Counsel, submits that the factum of the criminal proceedings pending against the petitioner has been suppressed. The petitioner has also suppressed that his parents had moved before the learned Sub-Divisional Executive Magistrate on five occasions and the police authorities had taken appropriate steps.

As it is the specific contention of Mr. Bhattacharjee that the respondent Nos.5 to 14 did not obstruct the petitioner in his enjoyment of the rented premises, no order need be passed in

favour of the petitioner. The police authorities will ensure that law and order is maintained and the petitioner is not unnecessarily harassed. The criminal trials are pending. This order shall not prejudice the trial which is continuing against the petitioner and his brother.

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.)