

24.08.2022
Court No. 19
Item No.168 (ML)
CP

W.P.A. No. 15022 of 2022

Sajibbar Dafadar

Vs.

The State of West Bengal & ors.

Mr. Asraf Mandal

....for the petitioner.

Ms. Sipra Mazumder

Ms. Sangeeta Roy

...for the State.

Mr. Amanul Islam

Mr. Sourav Mukherjee

...for the respondent no. 5.

The police report is taken on record.

The petitioner alleges that the Inspector-in-charge, Tehatta Police Station has failed and neglected to proceed with the investigation of Tehatta Police Station Case No. 533/22 dated June 29, 2022, under Sections 448/325/326/307 of the Indian Penal Code. According to the petitioner, the respondent no. 5 and his men and agents have been continuously harassing the petitioner in running his business of a hotel-cum-restaurant, named and styled as 'Celebrity', and had caused grievous hurt to the petitioner. The allegation is that the police authorities have not taken any steps to arrest the accused persons and had been rather slow in the investigation. Allegation of inadequate investigation has been made.

From the police report, it appears that on the basis of the allegation of the petitioner Tehatta Police Station Case No. 533/22 dated June 29, 2022, under Sections 448/325/326/307 of the Indian Penal Code was registered. It also appears that the accused was granted anticipatory bail.

On the complaint against the petitioner, Tehatta Police Station Case No. 535/22 dated June 30, 2022, under Sections 448 and 326 of the Indian Penal Code was registered. The prayer for anticipatory bail was rejected by the learned Sessions Judge, Krishna Nagar, Nadia.

It is the specific contention of the police authorities that although the elder brother of the respondent no. 5 was a police constable, the elder brother was not in touch with the respondent no. 5 any more and, as such, the allegation of influencing the investigation was baseless.

If the petitioner was aggrieved by any harassment and disturbance allegedly caused by the respondent no. 5, the petitioner could have prayed for cancellation of bail. He did not do so. It is the specific contention of the petitioner that the respondent no. 5 has been harassing the petitioner and also disturbing his business.

The learned advocate for the respondent no. 5 denies such allegations.

The writ petition is disposed of with a direction upon the police authorities to complete the investigation expeditiously and reach the same to its logical conclusion.

The police authorities shall also maintain a vigil in order to ensure that the parties do not engage in any further altercations and peace is maintained so that the business can function without any hindrance.

This order shall not be treated as an opinion of the court on the involvement of the respondent no. 5 in the alleged illegal activities. Neither shall this order be construed as a protection of the petitioner from the pending investigation against him. All issue shall be taken into consideration by the investigating agency.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)