

16.08.2022
Sl. No.3(SL)
srm

W.P.A. No. 18005 of 2022

Sangita Kedia

Versus

The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya,
Mr. Partha Sarathi Das,
Mr. Kausik Biswas

...for the Petitioner.

Mr. Ansar Mondal,
Mrs. Srilekha Bhattacharyya

...for the State-respondents.

Affidavit-of-service is taken no record.

The petitioner has challenged a proclamation requiring her husband's appearance in connection with Begusarai Police Station Case No.602 of 2021 dated October 3, 2021 under Sections 406/409/420/504/506 of the Indian Penal Code. The allegation is that the investigating officer of Begusarai Town Police Station, Bihar went to the residence of the petitioner at Kolkata and affixed the proclamation notice requiring the appearance of the person accused. Allegedly, Dilip Kedia, the husband of the petitioner, is the accused. It is specifically contended by the petitioner that the petitioner and the husband are estranged. The husband resides at at Jharkhand and the petitioner resides at Premises No.12/C,

Judges' Court Road, 'Arjun Enclave' Flat No.1A, Kolkata-700027 and as the petitioner is apprehensive that the police authorities shall disturb and harass her.

It appears to the Court that the allegation of the petitioner is against a proclamation issued by a court at Begusarai, which does not fall within the territorial jurisdiction of this Court. The affixation of proclamation at the premises of the petitioner cannot be challenged in this court.

Under such circumstances, even though Mr. Bhattacharya, learned Senior Advocate appearing on behalf of the petitioner, apprehends that unnecessarily the petitioner will be harassed, this Court cannot entertain the writ petitioner precisely for the lack of jurisdiction as there is no specific allegation as yet that the Officer-in-Charge, Alipur Police Station had taken any coercive measures against the petitioner on the basis of the proclamation, which had been affixed in the house of the petitioner. The proclamation is against the petitioner's husband, and has been issued in connection with the Begusarai case.

This Court has not gone into the merits of the allegation of the petitioner. The remedy of the petitioner is before the appropriate court.

The writ petition is dismissed.

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.)