

23.08.2022
Sl. No.515(ML)
srm

W.P.A. No. 20757 of 2021

Sri Ajit Adhikary

Versus

The State of West Bengal & Ors.

Mr. Husen Mustafi

...for the Petitioner.

Mrs. Chama Mookherji,

Mr. Gourav Das

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent No.4.

It appears that on the basis of the complaint filed by the petitioner, New Barrackpore Police Station Case No.466 of 2021 dated November 26, 2021 under Sections 341/323/506/34 of the Indian Penal Code had been registered. Investigation was going on. Statements of witnesses were recorded under Sections 161 of the Code of Criminal Procedure. A notice under Section 91 of the Code of Criminal Procedure was served upon the petitioner. A notice under Section 41A of the Code of Criminal Procedure was served upon the respondent No.4. The petitioner produced some medical documents in support of his injuries. The respondent No.4 surrendered before the learned Court of the Additional

Chief Judicial Magistrate, Barrackpore and the respondent No.4 was enlarged on bail.

The petitioner now alleges that in the course of investigation the respondent No.4 had continuously harassed the petitioner. It does not appear from the record that the petitioner has ever prayed for cancellation of the bail, instead allegations have been made against the police authorities.

Under such circumstances, in case the charge sheet has not yet been filed, the police authorities shall permit the petitioner to produce further documents in support of his further contentions and also see that the petitioner is not harmed in any way. In case the charge sheet has already been filed, the petitioner is at liberty to avail of his rights and remedies before the learned jurisdictional court.

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.)