

07.04.2022
Court No.13
Item No.64
AP

WPA 21480 of 2021

Sajjad Ali
Vs.
The State of West Bengal and Ors.

(Through Video Conference)

Mr. Malay Bhattacharyya
Ms. S. Mondal

... For the Petitioner.

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das

... For the State.

This Court notices that the Harishchandrapur Police Station had not registered FIR despite complaint of the petitioner dated 19th November 2021, where cognizable offence of theft is indicated.

The omission is inappropriate.

The Harishchandrapur Police Station shall forthwith register FIR, and commence investigation on the allegation of theft, and intimidation to the petitioner.

Mr. Mitra, learned counsel for the State, has urged the question of maintainability of the writ petition. Each of the victims and aggrieved persons are the sons of the petitioner, who is admittedly a power-of-attorney holder.

There is substance in such objection. However, considering the fact that the writ petition is for enforcement of basic rights, the procedural impropriety and lacuna, is ignored in the instant case.

It is expected that the FIR is investigated effectively, and final report shall be submitted before the concerned judicial magistrate, within a period of one month from date.

Given the serious nature of the allegations made, the Harishchandrapur Police Station shall post a police picket in and around the land of the petitioner, at his own cost, for a period of one week.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

The report of the I.C., Harishchandrapur Police Station, dated 4th January 2022 is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)