

S/L 6
22.08.2022
Court. No. 19
GB

WPA 9086 of 2020

Mahiruddin Shaikh @ Mahiruddin Sk.
VS
The State of West Bengal & Ors.

*Mr. Avinaba Patra,
Ms. Souraja De.*

...for the Petitioner.

*Mr. Raja Saha,
Ms. Piyali Sengupta.*

...for the State.

*Mr. Tapan Kumar Gupta,
Mr. Parvej Anam.*

...for the Respondent Nos.6 to 11.

Affidavit-of-service filed in Court today, is kept with the record.

The petitioner's allegation of police inaction does not survive in view of the report filed by the Inspector-in-Charge, Baishnabnagar Police Station. It appears that on the basis of the complaint dated June 8, 2020, Baishnabnagar Police Station Case No.283 of 2020 dated June 8, 2020 under Sections 447/325/326/307/302/34 of the Indian Penal Code was registered. During investigation, the Investigating Officer visited the place of occurrence, prepared a rough sketch map with index, conducted search and seizure, seized the offending weapons and also examined the witnesses under Section 161 of the Code of Criminal Procedure. The police authorities also recorded the statement of one of the victims, namely, Akhtarul Sk. under Section 161 of the Code of Criminal Procedure. Accused Saddam Hossain was arrested. Notices under Section 41(A) of the Code of Criminal Procedure were also issued against some persons. The injury report of Mostafa Hossain and Akhtarul Sk. were collected.

One Nazrul Haque was subsequently arrested. Statement of the eyewitness, Mujkera Bewa was recorded under Section 164 of the Code of Criminal Procedure. Inquest report was also collected and upon completion of the investigation, a charge-sheet was submitted against five accused persons under Sections 447/325/326/307/302/34 of the Indian Penal Code being Baishnabnagar Police Station Charge-sheet No.666 of 2020. Warrant of arrest against the absconding accused persons was issued by the learned jurisdictional Magistrate on the prayer of the police authorities. The absconding accused persons surrendered and were released on bail.

Under such circumstances, the Court does not find any police inaction. If the petitioner approaches the police authorities with any allegation of threat, during the pendency of the trial, the police authorities shall ensure that peace is maintained and no untoward incident takes place.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)