

06.02.2023.
Court No.13
Item No. 6
ap

W.P.A. No. 2188 of 2023
Deb Kumar Panji
Versus
The State of West Bengal & Ors.

Mr. Saptangsu Basu, Sr. Advocate,
Mr. Mayukh Mukherjee,
Mr. Sayan Mukherjee,
Ms. Madhumita Basak.

...For the petitioner.

Mr. Sarvesh Chand Shrivastava.

...For the respondent no.11.

Mr. Mrityunjoy Chatterjee.

...For the respondent no.16.

Affidavit-of-service filed in Court today be taken on record.

Counsel for the petitioner submits that FIR No. 434 of 2022 dated 30.08.2022 under Sections 506/34 of the Indian Penal Code and Sections 4/8/12 of the POCSO Act is but in revenge against him.

The petitioner is stated to have made complaints against unauthorized and illegal construction by the private respondents.

A Co-ordinate Bench of this Court has directed demolition of such construction by an order dated 29th November, 2022 passed in W.P.A. No. 24460 of 2022.

Counsel for the petitioner would submit that the petitioner was initially arrested and released on a bond. He further submits that his client was subsequently arrested from the Police Station since he did not accede to the threat and intimidation by the

private respondents to withdraw the complaint against the illegal structure before the Municipality.

This Court notes from the records that the petitioner's anticipatory bail application before the Sessions Judge was dismissed as not pressed in C.R.M. (A) No. 5002 of 2022 was dismissed by an order dated 9th November, 2022 by a Division Bench of this Court.

This Court finds that the order of this Court upholding the demolition order is after the FIR and rejection of the anticipatory bail. Medical examination of the victim as well as the petitioner, have been conducted. The statement of the victim girl under Section 164 of the Code of Criminal Procedure has been recorded.

The argument of the petitioner for interference by this Court under Article 226 of the Constitution of India, that the complainant is the maternal aunt of the son-in-law of the promoter, cannot be entertained at this stage.

This Court has not entered into the other prayers made in the writ petition for provocation of the CCTV Footage.

The report of the Officer-in-charge, Liluah Police Station, Howrah Police Commissionerate dated 3rd February, 2023 in the form of instructions to the State Advocate be taken on record.

In view of the above, the instant writ petition must fail and is hereby dismissed.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)