

12.05.2023
Item No.18
Ct. No.29
CHC

C.P.A.N. 167 of 2022

**Pratap Ghosh & anr.
Vs.
Lakshmi Narayan Pan**

in

**W.P.A. 11797 of 2021
Pratap Ghosh & anr.
Vs.
The State of West Bengal & ors.**

Mr. Mohit Gupta

...for the petitioners

Petitioner, complains of violation of the order dated August 23, 2021 in this contempt petition.

By such order, a writ petition complaining of police inaction was disposed of by directing the police to facilitate recording of statement under Section 164 of the Criminal Procedure Code. The police was directed to submit appropriate report before the jurisdictional Court in respect of the complaint as expeditiously as possible, thereafter.

Learned advocate appearing for the petitioners submits that although police facilitated recording of statement under Section 164 of the Criminal Procedure Code, the police are yet to submit the report in terms of the order dated August 23, 2021. He submits that

there are issues with regard to outraging of modesty of a women involved.

As noted above, the order dated August 23, 2021 directs the police to facilitate recording of statement under Section 164 of the Criminal Procedure Code which the police did. The other part of the order requiring the police to submit the appropriate report before the jurisdictional Court as expeditiously as possible, apparently, is yet to be complied with.

No time limit was fixed by the order dated August 23, 2021 in the police filing the report before the jurisdictional Court.

In such circumstances, it cannot be said that police are in wilfull or deliberate violation of the order dated August 23, 2021.

In any event, petitioners are not remediless.

In such circumstances, I do not deem it appropriate to exercise jurisdiction under the Contempt of Courts Act, 1971 or under Article 215 of the Constitution of India.

C.P.A.N.167 of 2022 is disposed of accordingly.

(Debangsu Basak, J.)