

278 31.08.2023
NB Ct. 14

WPA 8605 of 2023

Asit Kumar Ghosh
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal).
...for the petitioner.

Mr. Suddhadev Adak.
....for the State.

Mr. Debdutta Basu,
Mr. Sudip Sarkar,
Mr. Labanyamoy Sarkar.
..for the respondent nos.6&7.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits that the prime grievance of the petitioner is that although a direction was passed under Section 156(3) of the Code, the police had not taken any steps.

Learned counsel appearing on behalf of the private respondents submits that a partition suit is already pending. A property dispute is the subject matter of the dispute.

Learned counsel appearing on behalf of the State submits that pursuant to a direction under Section 156(3) of the Code, a specific FIR being Kotulpur PS Case No.321 of 2022 dated 06.12.2022 was registered. Subsequently, a charge sheet dated 18.12.2022 has been submitted under Sections 341, 323, 506 and 34 of the Penal Code against the two FIR named persons.

It, thus appears that the prime grievance of the petitioner regarding non-registration of the FIR has already been redressed. Police authorities have not only registered an FIR, but also filed a charge sheet in December, 2022.

If the petitioner is aggrieved with the outcome, it shall be open to the petitioner to challenge the same by filing a protest petition before the learned Trial Court.

Therefore, no further order need be passed in this case.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)