

27.04.2023
Court No.13
Item No.5
AP

WPA 8687 of 2023

**Sk. Hafijul
Vs.
The State of West Bengal & Ors.**

Mr. Samim Ahammed
Ms. Gulsanwara Pervin

....for the Petitioner.

Mr. Tapan Kumar Mukherjee
Ms. Tuli Sinha

....for the State.

Mr. R. Basu
Mr. Sanjib Dan
Mr. Kunal Ganguly

....for the Respondent No.6.

1. Under normal circumstances, the petitioner would have been required to approach the Magistrate under section 156(3) of the CrPC. This Court, however, notices that after investigation in respect of the murder of the petitioner's son Charge Sheet No.44/23 dated 2nd February, 2023 under sections 341, 302, 34 of the IPC has been filed by the Suri Police.

2. Learned counsel for the State has produced a report along with photographs in the form of instructions dated 17th April, 2023 issued by the Inspector-in-Charge, Suri Police Station, Birbhum addressed to the learned Government Pleader and the same is taken on record.

3. It appears that ten accused persons are absconding. Warrants are pending.

4. The petitioner and his family members may assist the police in apprehending the accused with whatever information they may have.

5. It appears that at paragraphs 18 to 36 several complaints have been lodged by the local villagers and other persons. The grievance is illegal mining of sand and stones.

6. The complaints must be formally registered as FIRs and investigation must be commenced by the Suri Police.

7. The petitioner claims that the private respondents, who are on bail, are continuing to threaten the petitioner. Since the petitioner is a witness, appropriate protection shall be considered and put in place by the Superintendent of Police, Birbhum.

8. Counsel for the private respondents, however, denies any allegations of threatening to the petitioner.

9. The police have already posted pickets at the said area. The pickets shall continue to be posted at least for a period of one month from date and any extension thereof may be considered by the Superintendent of Police, Birbhum.

10. With the aforesaid directions, the writ petition shall stand disposed of.

11. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)