

30.06.2023.
Court No.13
Item No.18
pk

W.P.A. No. 15336 of 2023

**Saumitra Khan
Versus
The State of West Bengal & Ors.**

Mr. Rajdeep Majumder,
Mr. Mayukh Mukherjee,
Ms. Koel Mukherjee,
Mr. Mahfuz Murshed,
Mr. Sayan Mukherjee

...For the petitioner.

Mr. Amitesh Banerjee,
Mr. Tarak Karan

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. Learned counsel for the petitioner complains about illegality of FIR Nos. 68 of 2023 and 69 of 2023 dated 13.04.2023 registered by the Sonamukhi P. S. The complainant was the S.I. of the P.S.
3. Counsel for the petitioner submits that firstly, for investigation into a charge, inter alia, under Section 354A of the IPC, it is the actual victim, who should be the complainant.
4. It is also argued that even assuming for the sake of argument, if the FIR is not maintainable in law, it cannot be investigated by the same Police Station since the victim is the O. C., of the P. S. itself.
5. These issues, according to this Court, may not be entertained under Article 226 of the Constitution of India.

6. The writ petitioner shall be at liberty to avail other remedies of the Cr. P. C. in respect of the said FIRs including any application for liberty, in accordance with law.
7. Since the petitioner is a member of Parliament and in view of the ensuing Panchayet Elections, he may be required to attend campaign work, no coercive measure shall be taken against the petitioner in respect the subject two FIRs until 15th July, 2023.
8. The writ petition is disposed of.
9. There will be no order as to costs.
10. 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.)