

08 09.08.2023
NB Ct. 14

WPA 15357 of 2023

Panchanan Dolai
Vs.
The State of West Bengal & Ors.

Mr. Dipanjan Dutt,
Mr. Biswajit Konar,
Mr. Arijit Mahinder.
...for the petitioner.
Mr. Wasim Ahmed,
Md. Shehabuddin.
....for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to properly investigate the allegations made by the petitioner in his complaint, inter alia, under Section 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and to grant police protection to the victims and witnesses.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The accused had abused and assaulted the petitioner taking the name of the petitioner's caste. Although the petitioner approached the local police station no FIR was registered. A complaint to the Superintendent of Police also yielded no result. Finally the FIR came to be registered after a direction was passed under Section 156(3) of the Code. Police was lax in investigating the case and the accused in the meantime had been threatening the petitioner. Although by an order dated 18.07.2023, liberty was granted to the petitioner to approach the respondent authorities for protection, since no

further incident happened thereafter, the petitioner did not do so. However, further disturbance is apprehended from the end of the private respondents.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Pursuant to notices issued under Section 41A of the Code, the accused appeared and met the police officers. After completion of investigation, a charge sheet being Debra Police Station Case No.623 of 2022 dated 06.12.2022 under Sections 341, 342,323 and 506 read with Section 34 of the Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been submitted against all the accused.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that the police have already acted on the FIR lodged by the petitioner and a charge sheet has already been submitted.

So far as the issue of protection being granted to the petitioner is concerned, the petitioner did not approach the respondent authorities despite liberty given by this Court on the earlier occasion.

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

Accordingly, the writ petition is disposed of without any order as to costs.

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

(Jay Sengupta, J.)