

16
26.07.2023
ssi

Ct 14

WPA 16595 of 2023

Sambhav Malu

-vs-

State of West Bengal & ors.

Mr. Shamhunath Ray
Ms. Amrita Tewari
Ms. Tuhina Parvin
Mr. Bikramjit Mondal

...for the petitioner

Mr. Suman Sengupta
Mr. Sambuddha Dutta

..for the State

Mr. Indranil Nandi
Mr. Sayak Konar

...for respondent no.6

Ms. Rucha Raman
Mr. Sayak Chakraborty

..for respondent no.10

Mr. Suddhosatwa Banerjee
Mr. Prantik Garal
Mr. Abhishek Sikdal

...for respondent no.8

Mr. Atish Kumar Biswas
Ms. Puja Goswami

...for respondent no.4 (KMC)

This is an application under Article 226 of the Constitution of India alleging police inaction in respect of a direction given by the learned Chief Judicial Magistrate, Alipore to conduct a preliminary inquiry.

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has made a complaint before the learned Magistrate under Section 156 (3) of the Code. The learned Magistrate by an order dated 18.05.2022 directed the Officer-in-Charge of Bhawanipore Police Station to inquire into the matter and file a report. In spite of this, the police authorities have not acted and the matter is pending for no fault of the present petitioner.

Learned counsel appearing on behalf of the State relies on the report and submits that an inquiry report dated 07.01.2023 has already been filed before the learned Magistrate.

Learned counsel appearing on behalf of the respondent no.8 submits that there was no occasion for the petitioner to move this Court with a prayer for police inaction in such matter.

Learned counsel for the respondent no.6 submits that his client was needlessly made a party in this case.

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

It appears that the report as directed by the learned Magistrate has already been filed. In any event, this matter ought to have been taken up before the learned Magistrate himself.

In view of the above, I do not find a need to pass any further order in this case.

With these observations, the writ petition is disposed of.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)