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16.08.2023
ssi

Ct 14

WPA 17548 of 2023

Sk. Azad Ali

-vs-

The State of West Bengal & ors.

Mr. Lakshminath Bhattacharya

Mr. Rajib Kumar Acharyya

Mr. Banshi Badan Maity

Mr. Saptarhi Chakraborty

....for the petitioner

Mr. Amal Kr. Sen, Ld. AGP

Mr. Jaladhi Das

...for the State

This is an application praying for a direction upon the respondent police authorities to register an FIR on the basis of a complaint lodged by the petitioner and to grant police protection so that the petitioner can enter into his own house.

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 is an activist belonging to a particular political party. That is why the alleged accused barged into his residential home, assaulted him physically with bamboo stick and iron rod, tried to kill him by fire and

thereafter, snatched away his mobile phone. Since then the petitioner and his family members had not been allowed to enter their home. A complaint was filed before the local police station, but no FIR was registered.

Learned senior counsel representing the State relies on the report and submits as follows. On the complaint filed by the petitioner, a specific FIR being Panskura Police Station Case No. 535 of 2023 dated 25.07.2023 has been initiated under Sections 448, 341, 323, 325, 307, 379, 506 and 34 of the Indian Penal Code. Investigation is going on. The informant was asked to produce necessary medical papers. But, he has not done so.

At this stage, learned counsel for the petitioner submits that the petitioner will co-operate with investigation and produce necessary medical papers to the Investigating Agency.

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.

Since an FIR has already been registered and is being investigated into by the Investigating Agency, the petitioner's grievance of non-registration of an FIR has already been redressed.

Let the petitioner co-operate with the Investigating Officer and produce the medical documents, if any.

The petitioner shall give a 24 hours' prior notice to the Officer-in-Charge of Panskura Police Station about his

intention to return home and the said officer shall provide adequate police protection for the petitioner and his family members to return home. After that, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)