

**WPA 18997 of 2023**

Partha Bose

-vs-

State of West Bengal & ors.

Ms. Sudipa Sen Gupta

....for the petitioner

Mr. Debashis Banerjee

Mr. Rakesh Jana

...for the respondent nos. 4 & 5

Mr. Dhiman Ray

Mr. Dip Chanda

...for the respondent no.7

Mr. Sourav Chatterjee

Mr. Anish Kumar Mukherjee

...for the respondent no.6

Mr. Sayak Chakraborti

Mr. Arka Chakraborty

Mr. Wrickbrata Roy

...for the respondent nos 8, 9

Mr. Pantu Deb Roy

Mr. Subrata Guha Biswas

...for the State

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 and the respondent no.4 jointly owned a property. On 07.12.2021, the petitioner was forcibly admitted in a rehabilitation centre for alcoholism. In this conspiracy, the respondent nos. 8 and 9 assisted the respondent nos. 4 and 5. The respondent no.8 was a local influential person and the respondent no.7 owned the

rehabilitation centre. They were all in this together. On 31.05.2022, the petitioner was released from the rehabilitation centre. But after he came back home, the wife and the daughter i.e. respondent nos. 4 and 5 left the house. On 01.06.2022, his wife lodged a false case being Nimta Police Station Case No. 316 of 2022 under Section 498A of the Penal Code. There the petitioner nos. 8 and 9 get the statements under Section 161 of the Code misrepresenting themselves as the father and the brother of the respondent no.4. The respondent nos. 4 and 5 returned in March 2023 and asked for transfer of the property in their names. Thereafter on 25.05.2023, the petitioner was ousted from his own property. Complaints were made before the respondents authorities. But, no action was taken.

Learned counsel appearing on behalf of the respondent nos. 4 and 5 submits as follows. The petitioner was a habitual drunkard. The office people complained. To save his job, he was put in the rehabilitation centre. The property in question is a joint one and no one is preventing the petitioner from entering into it.

Learned counsel appearing on behalf of the respondent no.6 submits that this writ petition is a ploy to threaten witnesses like the respondents 8 and 9 in a case already filed. Even the prayers are defective.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The petitioner is now residing at his sister's place. Incidentally, a charge sheet has

already been filed in the case under Section 498A of the Code lodged by the petitioner's wife. If the petitioner has any grievance in this regard, he can ventilate the same at any proceeding in connection with such case.

Learned counsel appearing on behalf of the respondent nos. 8 and 9 submits as follows. They are the neighbours of the couple in question. Their names were wrongly recorded as father and brother of the respondent no.4 in the statements under Sections 161 of the Code. However, the errors were corrected at the time of filing of charge-sheet.

Learned counsel appearing on behalf of the respondent no.7 submits that he is the owner of the rehab centre and does not have any clue about why he has been implicated in this case. The petitioner was nevertheless admitted at the centre by the respondent no.4 as he was suffering from heavy alcoholism.

It appears that the wrong relationship mentioned about the respondent nos. 8 and 9 in their statements under Section 161 of the CrPC were purportedly corrected during filing of charge sheet. However, if the accused is aggrieved with the same, he shall be at liberty to take up all these points in a proceeding connected with the said case.

No material has been placed to show about how respondent nos. 6, 7, 8 and 9 could be connected to any conspiracy in the instant case.

It is also strange that although the petitioner came out of rehab on 31.05.2022 and immediately thereafter, the

respondent nos. 4 and 5 left such place and came back only in March 2023, he did not find either the time or the inclination to make the allegations that he is now making in the writ petition before the police or other authorities.

However, as the petitioner is a joint owner of the property in question, he has every right to enter into such property and the respondent nos. 4 and 5 shall not create any hindrance in the same.

To avoid any complication, let the petitioner intimate the time and date of his return to his property to the Officer in Charge of Nimta Police Station within 24 hours' notice. Thereafter, the officer shall make necessary arrangements so that the petitioner can enter into his own property.

The respondent police authorities shall keep a watch at the locale and see to it that no breach of peace from any end takes place.

No further order need be passed in this case.

With these observations, the writ petition is disposed of.

Since affidavits were not called for, allegations are deemed not to have been admitted.

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

**(Jay Sengupta, J.)**