

05-09-2023
ct no. 14
Sl. 58
Sayandeep

WPA 19407 of 2023

Sk. Afsar Hossain

-Versus-

State of West Bengal & Ors.

Mr. Arka Maiti
Ms. Gulsanwara Pervin
Mr. Arka Ranjan Bhattacharya

.....for the petitioner

Mr. Lalit Mohan Mahata
Mr. Rudranil De

.....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 for the petitioner submits as follows. The petitioner contested the last panchayat elections where the polls were held on 8th July, 2023. He belongs to an opposition political party. He lost in the said elections. On 11.07.2023, after the results came out, the private respondents attacked the petitioner's gold jewelry shop with a bulldozer and smashed everything there. Somehow the petitioner managed to escape from the backdoor and saved his life. Letter of complaint was given to the local police station but was not acted upon. The petitioner seeks

protection from the police so that he can return to his shop and home and action on the illegal activities committed by the private respondents.

Learned counsel appearing for the State relies on the report and submits as follows. The petitioner refused to file a formal complaint. *Suo moto* FIR was lodged being Chanditala P.S. case No. 547 of 2023 dated 13.07.2023 under Sections 341, 427, 504, 506 and 34 IPC. Three persons have been arrested in connection with the said case.

It is not clear whether the three persons arrested in the said case were the ones against whom the petitioner would make any allegation. Therefore, let the petitioner's complaint contained at page-16 of the writ petition (annexure-P2) be treated as his statement in connection with an existing P.S. case. Further investigation of the case shall be done on the premise that the FIR lodged *suo moto* needs to be read along with the petitioner's statement.

Let the investigating officer conduct the investigation expeditiously and in accordance with law.

The respondent police authorities shall also provide adequate police security and escort so that

the petitioner can go back to its own home and shop. For this, the petitioner shall give a 24 hrs. notice to the officer-in-charge of the local police station intimating the intended date and time of his return. The police authorities shall provide adequate police escort for his return back home and to the shop.

Even otherwise, the police shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)