

WPA 21001 of 2023

Jalema Bibi
Vs.
The State of West Bengal & Ors.

Mr. Manas Kumar Das

... .. for the petitioner

Mr. Wasim Ahmed
Mr. Sk. Md. Masud

... .. for the State

Affidavit of service filed on behalf of the
petitioners 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 the
supporter of an opposition political party who had
gone to vote on the day of the Panchayat elections.
The private respondents belong to the ruling political
dispensation. On the fateful day there was rampant
rigging at the polling both. When the petitioner
protested, she was seriously assaulted by the
miscreants of the ruling political party. In spite of
bringing this to the notice of the local police, no FIR
was registered. This prompted the petitioner to file an
application under Section 156 (3) of the Code.
Although an FIR was registered, no step was taken by
the police in this regard. The private respondent no.6
is a civic volunteer who is still threatening the

petitioner. The respondent nos.6 and 7 are his accomplices.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Pursuant to the direction passed under Section 156 (3) of the Code, a specific FIR was registered being Bharatpur PS Case No.276 of 2023 dated 2nd August, 2023, inter alia, under Sections 325 and 354 of the Penal Code and Sections 25 and 27 of the Arms Act. The FIR named accused surrendered before the learned Trial Court and were released on bail. However, the case is being investigated properly. Statements were recorded of the eyewitnesses under Section 164 of the Code. A Charge-sheet has already been submitted in this case under Sections 323, 325, 354, 308 and 34 of the Penal Code.

It appears that the police are investigating into the alleged offences. Statement were recorded under Section 164 have been recorded. It appears that the investigating agency has already submitted the charge-sheet although without the charges under Section 25 and 27 of the Arms Act.

If the petitioner is aggrieved with the fact that some of the miscreants like the respondent no.5 are still harassing and intimidating the petitioner, she shall be at liberty to bring it to the notice of the Officer in-Charge of the local Police Station who shall then take steps in accordance with law.

If a cognizable case is made out an FIR can be lodged. Or else, the police can be explore the possibility of initiating a proceeding under Section 107 of the Code.

Even otherwise the police shall keep a sharp vigil at the locale and ensure that breach of peace takes place and no harm is done to the present petitioner.

With these observations this writ petition is disposed of.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Jay Sengupta, J.)