

Court No. 14
Item No.37
23.11.2023
(Suvendu)

WPA 22661 of 2023

**Md. Ali Jinnah
Vs.
The State of West Bengal & Ors.**

Mr. Subroto Mookherjee
Mr. Ashis Kumar Dutta
Mr. Manabendra Thakur
.....for the petitioner

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi
.....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 is a practicing advocate of this Court. He was engaged by the Masjid Committee of Shahi Masjid Foundation, Nagerbazar for some legal job. The private respondent called up from a mobile phone on a particular day and threatened the petitioner that if he did not induct him in the Trustee Board he would be kidnapped and punished. Although this made out a case of cognizable offence, no FIR was registered. The

petitioner fears of his life and also to carry on his profession.

Learned counsel appearing for the State relies upon the report and submits as follows. As no cognizable offence was made out, no FIR could be lodged. There is mere apprehension of some danger.

I have heard the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It is indeed a matter of concern that a practising advocate of this Court was threatened in such a manner as alleged.

In the event the petitioner believes that a cognizable offence has taken place or in the event such a cognizable offence takes place in future, he shall be at liberty to either approach the police authority and/or act in terms of ratio laid down in *Aleque Padamsee's Case*, (2007) 6 SCC 171.

So far as the present threat allegedly given by the private respondent is concerned, the police authorities of the Beniapukur Police Station shall keep a sharp vigil at the locale of the residence of the petitioner and ensure that no breach of peace takes place.

In the event any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to call up the Officer-in-Charge of the Beniapukur

Police Station, who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Jay Sengupta, J.)