

12.04.2023
Item No.6
gd/ssd

MAT/2079/2022
IA NO: CAN/1/2023
GSN MURTY
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Debabrata Ray,
Mr. Timir Baran Saha,
Mr. Sudip Sarkar,
Ms. Sarbani Mukhopadhyay,
Mr. S. Mondal,
Mr. Soura Sarkar
..for the Appellant.

Ms. Ipsita Banerjee
..for the State.

1. This intra court appeal by the writ petitioner is directed against the order dated 15th November, 2022 in WPA 10330 of 2021.
2. The writ petition was filed alleging inaction on the part of the Kharagpur Town Police Station wherein the writ petitioner stated to have been lodged a complaint against one Kamal Kumar Jain who is at present residing at Delhi and he is an absconding accused and involved in various criminal cases. Therefore, the appellant wanted the action to be taken by the police.
3. The learned Singh Bench dismissed the writ petition on the ground that the complaint is vague.
4. Aggrieved by the same, the appellant is before us.

5. If the complaint given by the appellant has not been taken on file, the appellant is not remediless. He can very well approach the competent Magistrate by invoking the relevant provisions of the Code of Criminal Procedure.

6. Therefore, in our considered view, the writ petition is not the appropriate remedy. So far as the absconding accused is concerned, we fail to understand as to why the police authorities have not taken any effective action to secure the said absconder who has been involved in heinous crime.

7. The learned Government counsel submits that already an application has been filed before the learned Additional Sessions Judge, Paschim Medinipur for issuance of a fresh warrant against the absconder.

8. We direct the respondent police to pursue the matter and if appropriate orders have to be obtained from the competent court, the same should be done and effective steps shall be taken by the respondent police within three weeks from the date of the receipt of the server copy of this order.

9. With the above observation, the appeal is disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)