

01-09-2023
Court No.2
Sh/10.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.P.A. 1001 of 2023

Harihar Nirasray Sevashram Trust.

-Vs-

The State of West Bengal & Ors

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Rikta Sarkar.

..For the Petitioner.

Mr. Subir Kumar Saha, AGP
Mr. Momenur Rahaman.

For the State.

Affidavit of service filed today in Court is taken on record.

The grievance of the petitioner is that, despite there being an order dated **March 31, 2023 (Annexure P-1 at page 12 to the writ petition)** passed by the jurisdictional Magistrate under Section 144 of the Code of Criminal Procedure (in short Cr.P.C.), 1973, has not been carried out by the jurisdictional police authority.

Mr. Momenur Rahaman, learned State counsel appears for the respondent nos.1 to 4.

Considering the submission made on behalf of the parties and considering the materials on record the jurisdictional police authority is directed to file a report before the jurisdictional Magistrate by whom the said order dated March 31, 2023 was passed within a period of ten days from the date of communication of

this order, if the proceeding under Section 144 of the Cr.P.C. in which the order was passed has not been disposed of.

It is made clear that any observation made herein shall not have any effect if the proceeding is pending for adjudication before the jurisdictional criminal Court.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition being **WPA 1001 of 2023 stands allowed and disposed of**, without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to parties subject to compliance of all requisite formalities.

(ANIRUDDHA ROY,J.)

