

April 24, 2024
AD 1264
Ct. No.14
SG

WPA 1968 of 2024

Sk. Akibur Rahaman
vs
The State of West Bengal and others

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee
Ms. Arpita Dhar
... for the petitioner

Mr. Ansar Mondal
Mr. Asish Chatterjee
... for the State

Mr. Jayabrata Mukherjee
... for the respondent Nos.4 - 6

Report filed by the State is taken on record.

Learned counsel appearing for the petitioner submits as follows. The petitioner is the husband of the respondent No.6. The wife and her relatives have been causing severe harassment and intimidation upon the petitioner. One day they came and ransacked the petitioner's house. An FIR was lodged. As a counter-blast the wife lodged an FIR under Sections 498A/406 IPC. The petitioner was served with a notice under Section 41A of the Code. He went to the police to comply with the same, but the police were not cooperating. They also did not seize stridhan articles, if any, from the petitioner's residence. The petitioner remains busy with his work and for looking after his minor child.

Learned counsel appearing for the private respondents denies the allegations and submits as

follows. The respondent No.6 is very much willing to cooperate for recovery of stridhan articles. She has not committed any illegality, far less ransacking the house of the petitioner.

Learned counsel appearing for the State relies on the report and submits that neither has the de facto complainant taken any steps to have the stridhan articles seized nor has the accused responded to the notice under Section 41A of the Code.

It appears that the petitioner wants to respond to notice under Section 41A of the Code and the wife wants to cooperate with police for getting the stridhan articles back.

Therefore, a fresh notice shall be issued by the police authorities to the petitioner under Section 41A of the Code and the petitioner shall comply with the same on the date fixed.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]

