

D/L 17
06.12.2024
Bpg.
ct.no.35

W.P.A.4115 of 2024

**Subhasish Singha Ray & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Mohinoor Rahaman
Ms. Iqra Rahaman.
...for the petitioners.

Mr. Ansar Mondal
Mr. Md. Idrish.
...for the State-respondents.

Mr. Susnigdho Bhattacharyya.
...for the respondent nos.4 to 11.

Petitioners complain that the Officer-in-Charge, Matia Police Station did not act on his representation dated 07.02.2024. Today a fresh report was called for. The police authorities have in fact found that there is a dispute relating to ownership. Proceedings have been drawn up under Section 107 of the Code of Criminal Procedure. However, they could not collect the materials. To that extent, the present petitioners were threatened in their house by the private respondent nos. 4 to 11.

In view of the local police authorities having failed, petitioners are granted liberty to approach the jurisdictional Magistrate under the provisions of Section 175(3) of the BNSS. Learned Magistrate would pass necessary directions and subsequently if he

finds that any act and action of the police authorities are biased, the learned Magistrate in this particular case is entrusted with the power to get the investigation done by a superior officer of police.

With the aforesaid observations, WPA 4115 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)