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Ct 14

**WPA 7084 of 2024**

Suryapada Naskar @ Dinakrishna Thakur  
-vs-  
The State of W.B. & ors.

Mr. Purbayan Chakraborty  
Mr. Deeptangshu Kar

...for the petitioner

Mr. Ansar Mondal  
Ms. Somashree Dey

...for the State

Exception filed on behalf of the petitioner is taken on record.

Report dated 09.04.2024 filed by the State is also taken on record.

Copy of the same is handed over to the learned counsel for the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was brutally assaulted by some miscreants on 10.02.2024. A suo moto case was started in this regard being Baruipur PS Case No. 111 dated 10.02.2024 under Sections 342, 325, 506 and 34 of the Indian Penal Code. On 11.02.2024, the petitioner made a specific complaint regarding the incidents of 10.02.2024 before the Officer in Charge of Joynagar Police Station. But, no FIR was registered on the said allegations. Subsequently,

in the complaint dated 11.02.2024, the petitioner elaborately stated about the incidents of 10.02.2024 and the manner in which he was assaulted by the miscreants. However, due to a mistaken belief that allegations against the police officers may not be made before police station, he did not at that time allege that there was custodial torture committed by the Police Officers of Bakultala Police Station. Subsequently on 26.02.2024, the petitioner made a complaint making such allegations before both the Bakultala Police Station and the Joynagar Police Station. But, no action has been taken either on the petitioner's complaint of 11.02.2024 or 26.02.2024.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Over the incidents of 10.02.2024, a specific case has already been registered. In the meantime, the brother of the petitioner had given a declaration that the Officers of Bakultala Police Station had rescued the petitioner from the clutches of the miscreants and the brother of the petitioner took back the petitioner safe and sound from the Bakultala Police Station. The alleged incidence are being investigated.

At this stage, learned counsel appearing on behalf of the petitioner submits that he is not bound any purported statement made by his brother. It appears that a different version of the incident of 10.02.2024 was given by the petitioner on 11.02.2024 which was not taken down as a separate FIR. At least the police should have taken this

document as a subsequent statement of the petitioner.

So far as the allegations made on 26.02.2024 are concerned, this give a totally different pictures to the incident that had allegedly taken to 10.02.2024 even as per the petitioner vide his complaint dated 11.02.2024. This statement too if received by the Joynagar Police Station should be treated as a subsequent statement of the victim and incorporated in the existing case. However, these subsequent allegations of the petitioner are not such that this Court would exercise his exceptional power to direct registration of FIR.

If the petitioner still stands by his allegations, some contrary made on 11.02.2024 and 26.02.2024, he shall be at liberty to act in terms of the ratio laid down in Aleque Padamsee's Case, (2007) 6 SCC 171 in respect of these.

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

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Jay Sengupta, J.)**