

WPA 8532 of 2024

Prasenjit Barai & anr.
-vs-
The State of W.B. & ors.

Mr. Jyoti Prakash Chatterjee
...for the petitioners

Mr. Amal Kr. Sen
Mr. Lal Mohan Basu
....for the State

Ms. Saswati Manna
Mr. Sk. Mustafi Rahaman
...for the private respondent

Affidavit of service filed on behalf of the petitioners is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The private respondents are not only conducting Puja on the land in question, but they are also involved in running a liquor and gambling racket. Since the petitioner no.1 protested against all these, he was mercilessly beaten up by the private respondents. The police came and took the petitioner no.1 to their custody and kept him in the police station illegally till the next morning.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows.

The Puja is being held with all necessary permissions. The petitioner is a co-sharer of the property. He came and threatened the organizers and then created a ruckus. He damaged the temple and stole away articles.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the fateful day, the petitioner got intoxicated and was creating disturbance in the area in front of the temple. The police came and arrested the petitioner under Section 42 of the Code of Criminal Procedure. This incident was diarized with a Kalna PS GD entry no. 1187 dated 16.02.2024. On the next date, the petitioner was released on bail as nobody had come to the police station for filing a formal complaint. However, later on, a complaint was filed on the allegations that the petitioner had damaged the local temporary temple of “Goddess Haragouri” and had stolen away some ornaments. This led to the registration of the Kalna Police Station GDE No. 1223 dated 17.02.2024. Earlier, the petitioner had been implicated in cases involving illicit possession of liquor. Kalna PS Case No. 203 dated 20.02.2023 was started under Section 46A of the Bengal Excise Act. There are similar other cases pending against the petitioners. There is no question of any illegal detention of the petitioner happening on the relevant date.

It appears that the petitioner was arrested on 16.04.2024 in accordance with law.

Therefore, there is no illegal detention or police excess.

No case has been made out in support of the prayers made in the writ petition.

Accordingly, the writ petition is dismissed.

However, there shall be no order as to costs.

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

(Jay Sengupta, J.)