

M/L315
06.12.2024
Rohit
ct.no.35

WPA 8139 of 2023
IA No: CAN 1/2023

Abdul Khalak Mondal & Ors
Versus
The State of West Bengal & Ors.

Mr. Mohan Kumar Sanyal
Mr. Dwaipayan Sanyal
...for the petitioners

Mr. Md. Galib, Sr. Adv,
Mr. Anubrata Santra
...for the State

Affidavit of service filed in Court today be kept with the record.

Petitioner is aggrieved by the fact that he has been deprived after having been committed by the private respondent Nos. 5 and 6. Petitioner also complains regarding the manner in which the private respondents have misappropriated the money received by them by selling the petitioner's property. To that effect, information was furnished to the police authority on 9th March, 2023.

Learned Advocate for the State has submitted a report. Report reflects that power of attorney was executed in favour of the respondent nos. 5 and 6. However, since there was no reflection of subject matter of any money, police authorities could not act on the same. Although there has been

subsequent sale of the property at the behest of the respondent nos. 5 and 6.

In view of the grievance expressed by the petitioner and the passage of time which have passed and the report submitted by the State prima facie a case seem to have been made out. However, petitioner at this stage because of the passage of time is directed to approach the jurisdictional Criminal Court with appropriate prayers under Section 175(3)/ section 223 of the BNSS, 2023. Learned Magistrate would in the circumstances exercise his discretion and pass appropriate orders in accordance with law.

Report submitted in Court be kept with the record. A copy of the report be handed over to the learned Advocate appearing for the petitioner.

With the aforesaid observations WPA 8139 of 2023 is disposed of along with CAN 1/2023.

There shall be no order as to costs.

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

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

(Tirthankar Ghosh, J.)