

25.11.2024
Item No.65
Ct. No.35
dc.

W.P.A. 8991 of 2023

**Surya Kanta Naskar & Ors.
versus
The State of West Bengal & Ors.**

Mr. Subrata Karmakar ... For the Petitioners.

Mr. Rabindra Narayan Dutta,
Mr. Hare Krishna Haldar ... For the State.

Mr. Tauhid Khan ... For the Respondent No. 6.

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

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioners.

The petitioners are aggrieved by the fact that no steps have been taken by the Officer-in-Charge, Dholahat Police Station in spite of the information submitted on 22.01.2023. Learned advocate for the petitioners submits that the basic contention is that the petitioners were disturbed in respect of possession of a property and the private respondent has been harassing and abusing them.

State has submitted a report. I have considered the contents of the said report and I find that the police authorities in their report has referred to Dholahat Police Station Case No. 79/2024 dated 13.02.2024 being initiated against Nandi Kanta Naiya and 22 others. After completion

of investigation, report has been submitted before the jurisdictional court holding the facts to be false.

Learned advocate for the petitioners submits that he has not received any notice in respect of the outcome of the investigation being communicated to the present petitioners who happen to be the complainants.

Accordingly, the petitioners are directed to approach the jurisdictional criminal court. The jurisdictional criminal court would if an application under Section 173(8) of the Code of Criminal Procedure or under Section 193(9) of BNSS is filed by the petitioners, consider the same in accordance with law, preferably within a period of 45 days of filing such application.

With the aforesaid observations, the writ petition being WPA 8991 of 2023 is disposed of.

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.)