

May 14, 2024
AD 14
Ct. No.14
SG

WPA 10766 of 2024

Nemai Chandra Jash
vs.
The State of West Bengal and others

Mr. Sourav Mondal
Mr. Abhirup Halder
Mr. Rony Mondal
... for the petitioner

Mr. Swapan Kumar Banerjee, ld. AGP
Mr. Abhishek Banerjee
... for the State

Mr. Soumya Kundu
Mr. Akash Sarkar
... for the private

respondents

Report filed by the State is taken on record.

Copy of memo of arrest of the petitioner’s son viz
Sukanta Jash as filed in Court is also taken on record.

Learned counsel for the petitioner submits as follows. The private respondents had been disturbing the petitioner and preventing him from making a construction on his own land. They were trying to extort money. A complaint was made before the police, but was not acted upon. During pendency of this writ petition the private respondents filed another FIR although none of the charges exceeded seven years’ imprisonment. The petitioner’s son was arrested in respect of the same at the dead of night. On the other hand, although the petitioner’s FIR clearly made out a case of extortion, such

provision was not added and the accused were allowed to obtain bail.

Learned Additional Government Pleader representing the State relies on the report and submits that both the cases started at the behest of the rival side are being investigated. A prayer has already been made and allowed for addition of Section 384 as a charge in the case started by the petitioner.

Learned counsel for the private respondents denies the allegations and submits that the property in question is undivided although the property is recorded in the name of the petitioner. He is trying to make the construction by blocking the ingress and egress of others. This is the root cause of dispute.

It appears that after the Court questioned, the State has prayed for addition of Section 384 as a charge in the case started by the petitioner and the same has been added.

However, one wonder why the investigating officer went and arrested the son of the petitioner in respect of the FIR lodged by the other side at 3.15 hrs. on 23.04.2024 in respect of a case where none of the offences alleged is for more than seven years of imprisonment.

In such circumstances, let the investigation of all the cases being Memari Police Station Case Nos.329 dated 15.04.2024, 341 dated 21.04.2024 and 342 dated 22.04.2024 be transferred to the concerned SDPO.

The investigation shall be concluded expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]