

19.12.2024

Item No.97

Ct. No.35

dc.

W.P.A. 16127 of 2024

**Abdul Halim Molla & Anr.
versus
The State of West Bengal & Ors.**

Ms. Jharna Biswas ... For the Petitioners.

Mr. Ansar Mandal,
Ms. Somashree Dey ... For the State.

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

Photostat copies of the notice under Section 35(3) of BNSS received and formal FIR be also kept with the record.

The State has submitted a further report which reflects that the petitioners have already settled at their residence and no complaint has been received by them. A regular patrolling has been maintained by the police authorities. However, the learned advocate appearing for the petitioner complains that two cases have been registered under the Indian Penal Code being Falta P.S. Case No. 324/2024 dated 25.11.2024 and Falta P.S. Case No. 327 dated 01.12.2024. The learned advocate emphasizes that the police authorities even after 1st July, 2024 are registering cases under the Indian Penal Code.

Be that as it may, those are curable irregularities, which the police authorities would in all fitness of circumstances correct by incorporating corresponding provisions of BNS. The aforesaid issues are unconnected with the petitioners feeling insecure for the purposes of entering their residence. That being so, the petitioners would be at liberty to pray for appropriate reliefs in respect of the case for which notice under Section 35(3) of BNSS has been served upon the petitioner no.1.

In view of the report so submitted, no further order need be passed in the present writ petition.

Accordingly, the writ petition being WPA 16127 of 2024 is disposed of.

There will 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.)