

14.11.2024
Item No.30
Ct. No.35
dc.

W.P.A. 16405 of 2024

Anil Kumar Mondal & Ors.
versus
The State of West Bengal & Ors.

Mr. Subrata Karmakar,
Md. Ali Ahasan ... For the Petitioners.

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

Petitioners complain that the petitioners are being threatened and disturbed at the behest of the private respondents. To that effect earlier case was registered being Haroa Police Station Case No. 78 of 2023 dated 25.02.2023 under Sections 341/325/307/506/34 of the Indian Penal Code.

Learned advocate appearing for the petitioners submits that in spite of the said case pending, the private respondents have again started their illegal activities and to that effect information was sent to the Officer-in-Charge, Haroa Police Station on or about 06.05.2024.

As none appears on behalf of the State, this Court is not apprised of the fact whether the police authorities have acted on the representation dated 06.05.2024. The police authorities are directed that if the complaint/information which was sent on 06.05.2024 refers to subsequent act and actions which give rise to a cognizable offence, the police authorities would proceed in accordance with law.

In case the acts complained of are non-cognizable offence, in such case the police authorities would seek permission from the jurisdictional court for taking steps.

In the meantime, the present petitioners are also granted liberty to approach the jurisdictional court for the purposes of invoking the provisions under Section 175(3) of the Code of Criminal Procedure.

The petitioners would be also at liberty to pray for varying/modifying/cancelling the earlier bail granted in connection with Haroa Police Station Case No. 78 of 2023.

With the aforesaid observations, the writ petition being WPA 16405 of 2024 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.)