

D/L78
23.09.2024
Bpg.
ct.no.35

W.P.A.19111 of 2024

Md. Safikul Islam & Anr.
Versus
The State of West Bengal and others

Mr. Shataroop Purkayastha
Ms. Jagriti Bhattacharya
Mr. Hamidur Rahaman.
...for the petitioner.

Mr. ASish Kumar Guha
Mr. Anirban Datta.
...for the State-respondents.

Mr. Somnath Adhikary.
...for the respondent nos.4 to 11.

Affidavit-of-service filed by the petitioner be
kept with the record.

Report submitted by the State be also kept
with the record.

Petitioners have already informed the Officer-
in-Charge, Domkal Police Station as well as the
Superintendent of Police of Murshidabad Police
District regarding the hassles faced by them while
operating their business.

Learned advocate appearing for the private
respondent nos.4 to 11 opposes the contentions
advanced by the petitioners.

However, in spite of the same, this Court feels that a statutory right of a party cannot be diluted.

Considering the plight expressed by the petitioners and the report so submitted before this Court, I am of the opinion that the proper forum would be the jurisdictional Magistrate to be approached. If the petitioners approach the jurisdictional Magistrate with an application under Section 156 (3) of Cr.P.C/175(3) B.N.S.S., the learned Magistrate would see whether any cognizable offence is made out or not and thereafter pass the necessary directions upon the police authorities.

With the aforesaid observations, WPA 19111 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

There will be no order as to costs.

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

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

(Tirthankar Ghosh, J.)