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25.09.2024
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WPA 21737 of 2024

Anok Sarkar @ Anok Kumar Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Chandra Saha
Ms. Payel Mitra
Mr. Mishuk Saha
Mr. Samannya Saha
... for the petitioner.

Mr. Suman Ghosh
Mr. Sankha Prasad Roy
... for the State.

Affidavit of service filed in Court is taken on record.

The petitioner alleges that on May 11, 2024, at about 3.30 p.m., the private respondent nos. 7 to 10 assaulted the petitioner. The petitioner further alleges that the police personnel, who have been impleaded by name as 5th and 6th respondents, also assaulted the petitioner with their rifle. As a result, the petitioner was injured and the petitioner had to be treated by the doctor on May 12, 2024.

Learned advocate for the petitioner submits that the petitioner went to the local police station to lodge a complaint but the officer concerned refused to receive the complaint from the petitioner. Finding no other alternative,

the petitioner was compelled to lodge a complaint before the Superintendent of Police, Jangipur Police District, Murshidabad through speed post on May 22, 2024. The learned advocate for the petitioner submits that no steps have been taken by the police authorities on the basis of such complaint.

The learned advocate for the State files a report of the Officer-in-Charge, Sagardighi Police Station dated August 29, 2024, which is taken on record.

After going through the said report, this Court finds that during local enquiry it transpired that the petitioner herein has some land dispute with his brother namely Kartick Sarkar. The report further states that the parties started quarrel in the presence of the police authorities and when they tried to stop them, the private parties became furious and used slang languages to the on-duty police personnel and also misbehaved with them. The report further states that the petitioner and one Kartick Sarkar, being the 7th respondent, were arrested and brought to Sagardighi Police Station and submitted a prosecution on the next morning they were released on bail after furnishing the bail bond. The report further states that the

Investigating Officer tried to collect the injury report of the petitioner from Sagardighi Super Speciality Hospital but the Medical Officer stated that the patient did not complain about any injury/ physical assault and, therefore, the injury is not proved. The report further states that the said officer also could not collect the injury report from Dr. H. K. Mondal, who treated the petitioner at his chamber at Berhampore and the said doctor also stated that he has no document and all the documents are with the patient. It appears from the said report that after completion of investigation, the concerned Investigating Officer submitted a charge-sheet in the case vide Sagardighi PS Charge-sheet No. 343 of 2024 dated August 27, 2024 under Sections 448/323/506/34 of the Indian Penal Code. Therefore, it appears that the police authorities have acted on the basis of the complaint lodged by the petitioner and have taken steps accordingly.

Since the charge-sheet has been submitted, this Court is of the view that there is no in-action on the part of the police authorities. However, the petitioner will be at liberty to take appropriate steps before the jurisdictional Court in accordance with law.

With the above observations and directions, the

writ petition stands disposed of.

There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)