

D/L 24
04.11.2024
Kausik
ct.no.35

W.P.A. 23188 of 2024

**Md. Asif Molla
Versus
State of West Bengal and Ors.**

Mr. Keshab Chandra Das
Ms. Aparajita Mondal
...for the petitioner.

Mr. Susovan Sengupta
Mr. Tarak Karan
...for the State.

Affidavit of service so filed be kept with
record.

Petitioner is aggrieved that his
representation with the Officer-in-Charge, Jamalpur
Police Station, Purba Bardhaman has not been
considered.

I find that the subject matter in the writ
petition relates to the petitioner being illegally
obstructed to carry on cultivation.

Learned advocate for the respondent
submits that there is a dispute and the civil court is
already in seisin of the matter. However there is an
allegation in the representation made to the Officer-
in-Charge, Jamalpur Police Station, that the
petitioner and his associates were mercilessly
assaulted and they had to undergo treatment.

In view of the accusations made in the representation which was made to the Officer-in-Charge, Jamalpur Police Station, the petitioner would be at liberty to invoke the jurisdiction of the learned Magistrate under Section 175(3) of the BNSS or under Section 223 of the BNSS. The learned Magistrate would assess whether any incident as alleged has taken place after conducting an enquiry as is envisaged under the provisions of law and thereafter proceed or refuse to proceed according to the provisions of law.

With the aforesaid observations WPA 23188 of 2024 is disposed of.

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

(Tirthankar Ghosh, J.)