

04.11.2024
Item No.31
Ct. No.35
dc.

W.P.A. 23269 of 2024

**Debabrata Chanda Chowdhury @ Bapi
versus
The State of West Bengal & Ors.**

Mr. Shekhar Barman ... For the Petitioner.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu ... For the State.

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

Report submitted by the learned advocate appearing for the State be also kept with the record.

The said report reflects that pursuant to the representation made to the police authorities, no case has been registered. The allegations are in respect of alleged corruption against a councillor of Kalyani Municipality. So far as the present provisions of BNSS, 2023 are concerned, sub-section 4 of Section 175 empowers that a public servant can also be prosecuted and/or investigated under orders passed by the learned jurisdictional Magistrate.

In view of the change of law, it would be in the interest of justice that the petitioner approaches the jurisdictional criminal court in respect of the accusations made and/or forwarded to the concerned police authorities. Learned jurisdictional Magistrate will apply his mind in the facts of the case and pass appropriate order.

With the aforesaid observations, the writ petition being WPA 23269 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.)