

30 13.11.2024

No. 35

G.S.Das

A report has been furnished by

the officer in charge of Indus P.S., which, reflects that a spot enquiry was conducted from the local persons.

It has been revealed during enquiry that there was no evidence that the machineries were taken away from the area of the said brick field.

Learned advocate for the private respondents disputes the contentions.

As the information of the complainant addressed to the officer in charge is in respect of cognizable offence and the police authorities have disputed the same on enquiry, I grant liberty to the petitioner to approach the jurisdictional criminal court to invoke the provisions under Section 175(3) of BNSS and/or Section 223 of the BNSS. The jurisdictional criminal court would assess the factual circumstances and pass orders

in accordance with law.

With the aforesaid observations,
WPA 23557 of 2024 is disposed of.

Report so submitted be kept with
the record.

Let a copy of the report be
handed over to the learned advocate for
the petitioner.

Affidavit of service so filed be
kept with the record.

Parties to act on a server copy
of this order duly collected from the
official website of the Hon'ble High Court,
Calcutta.

Urgent Photostat certified copy of
this order, if applied for, be supplied to
the parties, subject to compliance with all
requisite formalities.

(Tirthankar Ghosh, J.)

