

Sl.No.
3 09.12.2024
Court
No. 35
G.S.Das

WPA 24248 of 2024

Genius Kids & Ors.
-Vs-
The State of West Bengal & Ors.

Ms. Reshmi Ghosh
Ms. Parna Mukherjee

... for the petitioner(s)
Mr. Amal Kr. Sen, Id. AGP
Ms. Ashima Das (Sil)
... for the State-respondent(s)

Mr. Sharanya Chatterjee
... for the private respondent(s)

Learned advocate for the
petitioners submits that their prayer before
the High Court is for free, fair and
impartial investigation as also steps to be
taken against the respondent no.4, who
happens to be the Officer-in-charge of
Rabindra Sarobar police station.

Learned advocate for the
respondent submits that a civil suit is
pending between the parties and,
according to his instructions, presently, the

petitioners are not in possession.

So far as the issue relating to right, title, interest, occupation and possession, the same would be decided by the learned Civil Court.

State has submitted a report, wherein, six cases have been listed.

So far as the six cases are concerned, last of the case which has been registered is of 16th of September, 2024.

Prima facie, it reflects that the issue relating to possession is questionable in view of the fact that admittedly the police authorities have registered the case for the commission of theft.

Be that as it may, in view of the fact that both the parties are at loggerheads as also claims to be prejudiced because of the act and actions

taken by the administration, I direct the Deputy Commissioner of Police in charge of Rabindra Sarobar Police Station to monitor those six cases which have been listed in the report dated 05.11.2024 submitted before this court by the Officer-in-charge of Rabindra Sarobar P.S.

Without perusal and/or permission and/or forwarding by the Deputy Commissioner of the said division, the report under Section 193 of the BNS should not be filed before the learned Magistrate.

The learned Magistrate at the time of taking cognizance would first ensure whether the Deputy Commissioner of the concerned division has endorsed and/or forwarded and/or applied his mind in the report, thereafter, proceed to take cognizance in respect of the offence complained of, if any.

Learned advocate for the petitioner has insisted on prayer (a), which relates to taking action against the Officer-in-charge of Rabindra Sarobar Police Station.

However, in view of the provisions of Section 175(4) of the BNSS and/or Section 223 of the BNSS, I direct that the petitioner would be at liberty to take appropriate steps before the learned jurisdictional Magistrate in view of the different parameters laid down in the new *Sanhita*.

With the aforesaid observations, WPA 24248 of 2024 is disposed of.

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

(Tirthankar Ghosh, J.)

