

Sl.No.
6 08.11.2024
Court
No. 35
G.S.Das

WPA 24734 of 2024

Gobinda Oraon & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Anirban Mitra
Mr. Amit Halder
Mr. Amit Roy

... for the Petitioners

Mr. Rafiqul Islam
Ms. Manika Sarkar

... for the respondent nos. 4 to 8

Mr. Suman Sengupta
Ms. Amrita Panja Moulick

... for the State-respondent

The petitioners are aggrieved by
the fact that their representation dated
10.08.2024 with the officer-in-charge of
Sandeshkhali P.S. was not acted upon.

According to the petitioners, there
were specific allegations of violence,
physical force and injuries being inflicted
at the behest of the private respondents.

Learned advocate for the State
has submitted a report.

According to the State, such contention of physical assault could not be substantiated by the petitioners.

Learned advocate for the respondent nos. 4 to 8 submits that allegedly there has been suppression of facts relating to the title and possession of the property.

According to the learned advocate for the private respondents, the petitioners' case is not maintainable as there has been suppression of facts.

Be that as it may, the report reflects that the police authorities in order to prevent any breach of the peace and tranquility has drawn up proceedings under Section 126 of the BNSS.

Having considered the submissions of the petitioners, State and the Private Respondents, I am of the opinion that this

court, on an assessment of the facts, is not in a position to invoke the powers under Article 226 of the Constitution of India.

However, since a litigant cannot be prevented from approaching a court of law, I grant liberty to the petitioners to approach the jurisdictional criminal court. The jurisdictional criminal court would assess the facts, materials produced by the petitioners as a complainant and exercise its discretion as to whether directions are required to be passed under Section 175(3) of the BNSS or under Section 223 of the BNSS.

With the aforesaid observations, WPA 24734 of 2024 is disposed of.

Report so submitted be kept with the record. A copy of the report be handed over to the learned advocates for

both the parties.

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.

(Tirthankar Ghosh, J.)