

5 13.11.2024

G.S.Das

Ratan Kumar Giri
-Vs-
The State of West Bengal & Ors.

Mr. Dilip Kr. Maiti
... for the Petitioner

Mr. Rabindra Kumar Mitra
Mr. Sobhan Kumar Pathak
Ms. Sneha Chakraborty
... for the respondent nos. 5,6 & 7

Ms. Ipsita Banerjee
... for the State of West Bengal

The report submitted by the State reflects that pursuant to the accusation made on behalf of the petitioner, Muchipara P.S. Case No. 129 dated 26.09.2024 was registered for investigation against the private respondent nos. 5 to 7.

The investigating agency on conclusion of investigation submitted charge-sheet before the learned ACJM-II, Kolkata on 11.11.2024.

Learned advocate for the petitioner submits that the accused persons have damaged the property of the petitioner and are very dangerous in nature, thereby creating apprehension of insecurity.

Learned advocate for the private respondent nos. 5 to 7 opposes such contentions.

As the learned advocate for the State has contended that *prima facie* after investigation the police authorities has been able to make out a case and submitted charge-sheet, I direct the petitioner to approach the learned jurisdictional court and, if the accused/persons have been granted bail and/or are absconding, an appropriate application be preferred before the learned ACJM *in seisin* of the matter.

Learned ACJM will consider regarding the merits of the charge-sheet

so submitted and/or if he thinks fit and proper, after hearing the petitioner, would modify and/or vary the condition(s) of bail, if any, so granted to any of the accused persons.

So far as the dispute relating to damage of the property is concerned, the petitioner will approach the jurisdictional Civil Court for appropriate remedy. The jurisdictional civil court would decide the same in accordance with law.

With the aforesaid observations, WPA 24569 of 2024 is disposed of.

Report so submitted be kept with the record.

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

Since respondents have not been called upon to use an affidavit, the

accusations/allegations made in the writ petition are deemed to be denied.

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.)