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23.04.2024
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Ct 14

WPA 24146 of 2023

Prabir Kamila
-vs-
The State of W.B. & ors.

Mr. Soumik Ganguli
Ms. Chandana Chakraborty
...for the petitioner

Ms. Jhuma Chakraborty
Mr. Parikshit Goswami
....for the State

Report filed on behalf of the State is taken on record.

No one appears on behalf of the private respondents.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner runs a business at the address mentioned in the writ petition. The private respondents have been disturbing such running of business and had been trying to extort money from him. Earlier they had even assaulted the petitioner on some occasions. The police was intimated, but no effective steps have been taken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. An FIR was lodged on the complaint of the petitioner being Ramnagar PS Case No. 350 dated 01.06.2023. However, a charge sheet could be submitted only under Sections 341, 323, 325, 506 and 34 of the Indian Penal Code. The allegations under Sections 307

and 379 of the Penal Code could not be sustained. The preliminary inquiry has also been conducted on the other allegations. On one occasion, it was found from mobile data tower location analysis that the mobile tower location of the proposed accused was at Kolkata and not at the alleged place of occurrence.

It appears that the police have taken some steps on the complaint by the petitioner. At least, a charge sheet could be submitted, *inter alia*, under Section 325 of the Penal Code. So, it cannot be said that no offence could be detected. The police shall also explore the possibility of initiating a proceeding under Section 107 of the Code.

Let the police keep a sharp vigil at the locale and ensure that no breach of peace takes place. The surveillance shall include frequent visits by police at the workplace of the petitioner.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)