

34 03.01.2024
NB Ct. 14

WPA 24352 of 2023

Md. Sariful Islam
Vs.
The State of West Bengal & Ors.

Mr. Arshed Hussain.
...for the petitioner.

Mr. Rajarshi Basu,
Mr. Subhendu Sen Gupta.
....for the State.

Ms. Manali Biswas,
Mr. Mrinal Saha.
...for the respondent no.5.

Learned counsel appearing on behalf of the petitioner submits that the petitioner's complaint dated 03.07.2023 made before the Berhampur Police Station was not registered as an FIR, although a cognizable case was clearly made out.

Learned counsel appearing on behalf of the State denies any police inaction and submits that the complaint admits of a commercial transaction in the course of regular business.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits that no cognizable case is made out in the said complaint.

In the event the petitioner believes that a cognizable case is made out on his complaint, he shall be at liberty to proceed in terms of the ratio laid down in ***Aleque Padamsee*** Case, (2007) 6 SCC 171.

Therefore, no further order need be passed in this case.

With these observations, the writ petition is disposed of, however, without any costs.

Since affidavits were not called for, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)