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20.11.2024
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ct.no.35

W.P.A.25521 of 2024

**Shri Debajit Deka
Versus
The State of West Bengal & Ors.**

Mr. Pratick Sardar.
...for the petitioner.

Mr. Ashim Kr. Ganguly
Mr. Bellal Shaikh.
...for the State-respondents.

Affidavit of service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the fact that after repeated persuasion, Haridevpur Police Station Case No.131 of 2024 dated 15.03.2024 was registered for investigation. However, no effective steps have been taken by the police authorities.

Learned advocate appearing for the State has submitted a report. Report reflects that a notice under Section 91 Cr.P.C. was issued and the relevant documents submitted by the petitioner was received. Subsequently, a notice under Section 41A of the Code of Criminal Procedure was served at the address of the accused which was received by his mother.

Report do not reflect that the accused has responded to the notice. In case the accused do not

respond to the notice, the police authorities would be at liberty to exhaust harsher process of law by approaching the jurisdictional Magistrate step by step. If there is any non-cooperation on the part of the accused, the same be also taken care of for unearthing the truth in respect of the accusations made by the petitioner.

Since eight months have passed from the registration of the FIR, the investigating authorities at this stage if there is any non-cooperation in unearthing the truth, they would, as directed above, exhaust all the provisions of law so that within a reasonable period of time they are able to reach a logical conclusion.

With the aforesaid observations, WPA 25521 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted by the learned advocate appearing for the State be kept with the record.

Copy of the report be handed over to the learned advocate appearing for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)