

07.11.2024
Item No.19
Ct. No.35
dc.

W.P.A. 26074 of 2024

**Saumen Kansabanik
versus
The State of West Bengal & Ors.**

Mr. Anindya Sundar Das,
Mr. Shaunak Ghosh,
Mr. Syed Ali Afzal,
Ms. Paromita Mondal,
Ms. Suvra Gayen,
Ms. Kuheli Gayen ... For the Petitioner.

Mr. Dipanjan Datta,
Ms. Sukanya Datta ... For the State.

Mr. Gopal Chatterjee,
Mr. Joy Chakraborty ... For the Respondent No.5.

Affidavit-of-service filed in Court today be kept with the record.

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

The petitioner is aggrieved by the fact that in spite of his complaint on 04.09.2024 as well as on 10.09.2024, the same were not considered by the police authorities or the administration. The petitioner complains of forceful conversion of religion against the private respondent no.5. Learned advocate appearing for the respondent no.5 denies and disputes the same.

The petitioner additionally alleges that there are deceptive representations made for the purposes of such conversion of religion by the respondent no.5.

Be that as it may, the police authorities have enquired into the contentions and submitted a

report. The report do not reflect that the police authorities were able to collect any material to register a case. According to the police authorities, no cognizable offence is made out. Having regard to the nature of allegations, I am of the opinion that it is for the petitioner to produce some witnesses to satisfy the nature of the allegations. Accordingly, the petitioner would approach the jurisdictional criminal court under Section 223 of the BNSS.

The learned Magistrate would under the new law assess regarding the contentions of the witnesses, give appropriate opportunity to the proposed accused and thereafter proceed with the case in accordance with law.

With the aforesaid observations, the writ petition being WPA 26074 of 2024 is disposed of.

There shall be no order as to costs.

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

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

(Tirthankar Ghosh, J.)