

D/L 241
04.12.2024
Kausik
ct.no.35

W.P.A. 26678 of 2024

**Swapan Ghorai
Versus
State of West Bengal & Ors.**

Mr. Aritra Shankar Ray

...for the petitioner.

Mr. R Pattanayak

...for the respondent nos. 4 to 6.

Mr. Jayanta Samanta, Jr. Govt. Adv.

Mr. Kazi Sajjad Alam

...for the state.

Petitioner is aggrieved by the fact that inspite of complaining to the police authorities regarding physical assault sustained by him along with harassment and abuse at the behest of the private respondents, no action has been taken in respect of his complaint dated 25.09.2024.

Learned advocate for the state has submitted a report. Report reflects that police authorities have drawn up proceedings under section 163 and 126 of BNSS. The report also reflects that the police authorities cross-checked the injury report of Bhangagarh Rural Hospital wherein it has been transcribed, no external injury mark at present.

Having considered that the contention of the petitioner before the police authorities and the report so submitted before this court, so far as the medical documents are concerned, I direct the petitioner to take appropriate steps before the jurisdictional magistrate under section 175(3)/223 of the BNSS.

Learned Magistrate will consider the accusations including the supporting documents and thereafter by exercising its discretion pass necessary directions.

So far as the issue relating to possession is concerned, the parties would be at liberty to approach the civil court for adjudication on the issue.

This court will not enter into the domain of the civil court so far as the issue relating to possession is concerned.

Learned advocate for the private respondents disputes and denies each of the contentions made by the petitioner and claims that he is in possession.

Be that as it may in view of the directions passed above parties would be at liberty to act accordingly.

With the aforesaid observations WPA 26678 of 2024 is disposed of.

Report so submitted be kept with the record.

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

(Tirthankar Ghosh, J.)