

04.12.2024
Item No.185
Ct. No.35
dc.

W.P.A. 26070 of 2024

**Ras Bihari Sardar
versus
The State of West Bengal & Ors.**

Mr. Dipendra Nath Bose ... For the Petitioner.

Mr. Asish Kumar Guha,
Mr. Rajendra Chaturvedi ... For the State.

Mr. Saumen Gayen,
Mr. Sandipan Maity ... For the private Respondents.

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

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner is aggrieved by the actions of the private respondents in carrying out his business. It has also been contended that in spite of the injunction order passed by the civil court, the private respondents are violating the said order.

Records also reflect that a case being Kultali Police Station Case No. 717/2024 dated 24.09.2024 was registered for investigation. State has submitted a report which reflects that on conclusion of investigation, charge-sheet has been submitted before the jurisdictional court and the result of the investigation has also been informed to the present petitioner.

The petitioner is aggrieved that till date, the petitioner is being harassed and obstructed from carrying on his business.

Learned advocate appearing for the private respondents denies and disputes each of the accusations so made by the petitioner.

However, as the charge-sheet has been submitted by the police authorities in connection with the criminal case so registered, I grant liberty to the petitioner to approach the jurisdictional criminal court in seisin of the matter, in case he is harassed, threatened, abused and/or humiliated. The petitioner would in such circumstances prefer an application before the learned court in seisin of the criminal case under the relevant provisions of the Witness Protection Scheme, 2018. Learned Magistrate will pass necessary order upon the concerned police station for assessing the threat perception of the present petitioner and on analysis of the threat perception report pass further direction according to the said Scheme.

With the aforesaid observations, the writ petition being WPA 26070 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.)