

04.12.2024

BP/AGM
MI. 205
Court No. 35

WPA 26208 of 2024

Sharmila Byapari Sarkar
Vs.
The State of West Bengal and Ors.

Ms. Sanjukta Samanta.
Mr. Arkadeb Nag.
... For the petitioner.

Ms. Jhuma Chakraborty.
Mr. Siddhadeb Adak.
... For the State.

Affidavit-of-service filed today is kept with the records.

The petitioner is aggrieved by the in action or non-action on the part of the private respondents as well as the State respondents in not giving effect to the complaint which she has addressed to the police authorities. Petitioner also filed supplementary affidavit. Let the same be kept with the records.

Learned advocate for the petitioner submits that during the pendency of the initial case again the petitioner was subjected to harassment.

Learned advocate for the State has already submitted a report, which reflects that on the basis of initial complaint Bongaon PS Case No. 431 of 2023 dated 8th May, 2023 was registered for investigation under the provisions of the Indian Penal Code as well as the SC and ST (POA) Act, 1989 and on conclusion of investigation chargesheet has been submitted under the relevant provisions of the aforesaid Code and Act.

It has also been contended that in the report that another case on the complaint of the present petitioner

has been registered being Bongaon P.S. Case No. 1100 of 2024 dated 30.11.2024 under the relevant provisions of BNS.

The petitioner complains that she is still under threat at the behest of the private respondents and/or the associates.

In view of the provisions of Section 15A of SC and ST (POA) Act, 1989, the learned Special Court in seisin of the matter would pass specific directions for protection of the complainant and also its witnesses.

Learned Special Court is directed to adhere strictly in accordance with law while progressing within the case under the relevant provisions of the special act.

Copy of the report submitted by the Inspector-in-Charge, Bongaon P.S. is kept with the records.

With the above observations, WPA 26208 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 certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Tirthankar Ghosh, J.)

