

48 25.06.2024
NB Ct. 17

CPAN 1500 of 2023

In
WPA 19444 of 2023

Kajal Shaw & Anr.

Vs.

Mr. Anupam Mondal, (Inspector in Charge/
Officer in Charge, Bhatpara Police Station, Bhatpara.)

Mr. Pratip Mukherjee,
Ms. Chaitali Mukherjee.

...for the applicants/petitioners.

Mr. Somnath Ganguli Id. AGP.,
Ms. Priyamvada Singh.

...for the State.

Report filed on behalf of the State is taken on record.

Copy of the same is handed over to the learned counsel
for the petitioners/applicants.

Learned counsel appearing on behalf of the
applicants/petitioners submits as follows. By an order dated
20.09.2023 passed by this Court in *WPA 19444 of 2023*, this
Court directed the Officer in Charge of Bhatpara Police Station
to grant police protection to the aged ailing petitioners so that
they could go back to their own residence. The police was also
directed to keep sharp vigil. The order was not complied with.

Learned counsel appearing on behalf of the alleged
contemnors denies the allegations in the application, relies on
the report and submits as follows. Pursuant to this Court's
order, the petitioner along with family members called up the
Bhatpara Police Station on 25.09.2023 at around 11 hours.
Thereafter, police team left for the dwelling house of the

petitioners to escort them back to their house. On reaching the premises, it was found that it was under lock and key. Attempts to break upon the padlock were futile. It was found that a gas cutter would be required to break open the lock. The police left the place informing the petitioners that another date would be fixed for execution. Incidentally, the son of the present petitioner and the married daughter went to the house in question on 26.09.2023 and tried to enter it without informing the police. Both were obstructed by the private respondents resulting in scuffle. On this a GD Entry was lodged. Finally, it culminated in an FIR being Bhatpara Police Station Case No. 694 dated 26.09.2023 under Sections 447, 325, 307 and 34 of the Penal Code. Another day was fixed for execution of the order and the matter was intimated to the petitioner over a mobile phone used by his son. But, the petitioner expressed his inability to appear on that date. On the said number, other calls were made. But, the son of the petitioner said that he would talk to his mother and inform. At the time of the second call, he said that his mother was sick. The police are ready and willing to execute the order provided the petitioners cooperate.

Learned counsel appearing for the petitioners submits that the petitioners were not directly intimated about the dates.

It appears that there was some confusion regarding execution of this Court's order. However, it appears that the police authorities are still ready and willing to comply with the order. They shall be at liberty to do so and if they want to

communicate any date to the petitioners, they shall do so in person or by post.

It does not appear that there has been any deliberate violation of this Court's order.

Accordingly, the application for contempt being CPAN 1500 of 2023 is dismissed, however, without any order as to costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)