

D/L14
20.11.2024
Bpg.
ct.no.35

W.P.A.27234 of 2024

**Tahamina Bibi
Versus
The State of West Bengal & Ors.**

Mr. Ranjit Kumar Singh
Md. Amir Ali Sekh.
...for the petitioner.

Mr. Suman Ghosh
Mr. Sanatan Panja.
...for the State-respondents.

Affidavit of service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the fact that in spite of having orders from the appropriate court of law, she is being resisted from raising construction at her own plot. Petitioner claims that her daughter has been assaulted and severe injuries inflicted upon her and the incident of assault took place in front of a police officer. Additionally, petitioner alleged that she had been to the police station when her complaint was refused to be entertained and threats have been made by concerned police officer against whom allegations have been made. Petitioner further submits that in spite of complaining the Inspector-in-Charge and other superior officers of police, no action has been taken till date.

Learned advocate for the State has submitted a report. Report reflects that Kulpi Police Station Case No.416 of 2024 dated 14.11.2024 has been registered for investigation. Learned advocate for the State submits that they have conducted an enquiry and the enquiry did not reveal any complicity of any police officer who has been named by the present petitioner. Further, the police authorities have drawn up proceedings under Section 126 of the BNSS and has also conducted enquiry in connection with a proceedings under Section 163 the BNSS. Primarily, a police case has been registered so far as the private respondents are concerned.

Petitioner continues to have her grievance for a particular police officer who was associated with the police station and because of his excess, petitioner and her family members' life and liberty were at stake.

In view of the petitioner's complaint against the particular police officer, I direct that as there has been a change in law and the present provisions of Sub-Section (4) of Section 175 of the BNSS as also Sub-Section (2) of Section 223 of the BNSS incorporate provisions for initiation of criminal cases against public servants while they are acting in discharge of their official duty, petitioner would be at

liberty to detail the act and action of the concerned public servants against whom she has specific accusations before the jurisdictional Magistrate. The jurisdictional Magistrate will adhere to the provisions of law and exercise his discretion for passing appropriate orders in case such an application or complaint is filed.

With the aforesaid observations, WPA 27234 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted by the learned advocate appearing for the State 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.

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

(Tirthankar Ghosh, J.)