

ADSL/1
13.11.2024
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ct.no.35

W.P.A.27289 of 2024

**Bithika Bera
Versus
State of West Bengal & Ors.**

Mr. Moyukh Mukherjee
Mr. Suryaneel Das
Ms. Sagnika Banerjee
Mr. Chiranjit Pal
Mr. T. Pramanick
Ms. Srishti Das.
...for the petitioner.

Mr. Swapan Banerjee
Mr. Diptendu Narayan Banerjee
Mr. Soumen Chatterjee.
...for the State-respondents.

Petitioner in the morning mentioned the writ petition submitting that there has been an illegal detention of the petitioner's husband and the police authorities without registering a case, has illegally detained the petitioner's husband. On such urgency, the writ petition was fixed at 4.30 p.m. When the writ petition was taken up, it was informed by Mr. Mukherjee, learned advocate appearing for the petitioner that the petitioner's husband has been shown arrested in connection with Dantan Police Station Case No.23 of 2023 and was produced before the learned ACJM, Dantan.

Report submitted by Mr. Banerjee, learned advocate appearing on behalf of the State reflects that

after the accused was produced before the learned ACJM, Dantan, he has been granted five days police custody. It was complained on behalf of the petitioner that the arrest memo was not even handed over. To that effect, learned advocate for the State submits that the CCTV footage would reflect that there was refusal on the part of the accused as well as his lawyer. The report is enclosed with the arrest memo. A copy of the same has been handed over to the learned advocate appearing on behalf of the petitioner.

So far as the purpose for which the present writ petition was preferred considering the urgency relating to illegal detention, the application was taken up, now, the petitioner's husband is before a court of law and, as such, the issue relating legality or illegality of the detention would be addressed before the jurisdictional court. So far as the subsequent events are concerned, petitioner is granted liberty to approach this Court afresh.

With the aforesaid observations, WPA 27289 of 2024 is disposed of.

As no affidavit was called for from the State, the allegations made in the writ petition are deemed to be denied.

There will be no order as to costs.

Report submitted by the learned advocate 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.)