

S/L 14
27.11.2024
Court. No. 35
*Sourav/
Suvayan*

WPA 27427 of 2024

XXXXX

Vs.

The State of West Bengal & Ors.

Mr. Sandipan Maity

...for the petitioner.

Mr. Sudipta Kumar Panda

Mr. Kaustav Bhattacharya

...for the State.

Affidavit-of-service as filed today is taken on record.

Petitioner is aggrieved on two counts, firstly, on the fact that the police authorities are not trying to trace out the absconding accused persons and secondly, on the fact that the accused persons are threatening the petitioner and/or other family members/witnesses.

Mr. Panda, learned advocate appearing for the State submits a report. According to the learned advocate for the State, all steps have been exhausted for tracing out the absconding accused persons. However, the prayer for Warrant of Arrest was refused by the learned Jurisdictional Court.

Learned Special Court is directed to ensure that the police authorities are empowered with the provisions of law so that they can exercise harsher process of law for tracing out the accused persons. To that extent, the learned Special Court would issue necessary non-bailable Warrant of Arrest and if thereafter in spite of efforts being put in by the police authorities the accused persons are not traceable, steps be taken for issuing proclamation and attachment.

So far as the last two process are concerned, the police authorities as well as the learned Special Court would adhere to the provisions of law and ensure that the same are exercised within the parameter of the Code.

So far as the threatening of the petitioner and his family members along with the witnesses are concerned, the Superintendent of Police, Murshidabad would analyze the Witness Protection Scheme, 2018.

Accordingly consider the threat perception which is complained of by the petitioner and on an analysis of the threat perception under the said Scheme, relevant steps be advised, recommended and taken by the police authorities, if required, pursuant to the direction of the judicial authorities.

Needless to state that the learned Special Judge would consider the plight of the petitioner and pass necessary directions in consonance with the judgment of the Hon'ble Supreme Court in ***Mahender Chawla & Ors. Vs. Union of India & Ors., (2019) 14 SCC 615.***

With the aforesaid observations, the instant writ petition being **WPA 27427 of 2024** is disposed of.

Report so submitted be kept with the record.

Copy of the report be handed over to the learned advocate appearing for the petitioner.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)