

D/L14
29.11.2024
Bpg.
ct.no.35

W.P.A.27685 of 2024

**Golam Mohammad Molla
Versus
The State of West Bengal & Ors.**

Mr. Gaurang Das
Mr. Mujibar Ali Naskar
Mr. Sandip Kumar Mondal.
...for the petitioner.

Mr. Somnath Ganguli
Ms. Kalpita Paul.

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

Petitioner is aggrieved by the act and action of the private respondents as also the State-respondents in view of the fact that he complained against the private respondents having attacked him with sticks, sharp weapon and also threatened for murdering him and setting his house on fire. Petitioner submits that in spite of receipt of such report, no steps were taken by the police authorities.

Learned advocate for the State has submitted a report. Report reflects that the learned Civil Judge (Junior Division), Diamond Harbour is in seisin of T.S.No.202 of 2014. Proceeding has been drawn up under Section 126 of BNSS by the Diamond Harbour Police Station.

In view of the accusations made and there is a dispute where the private parties are contesting before the civil court, I direct that in case the accusations are such that the petitioner intends to pursue his remedies, petitioner would approach before the jurisdictional criminal court by way of invoking the provisions of Section 175(3) of BNSS or Section 223 of the BNSS. Learned Magistrate would apply his judicial mind adhering to the provisions of law regarding the accusations so made.

Be that as it may, the petitioner has been granted liberty to canvass his issue before the learned Magistrate.

With the aforesaid observations, WPA 27685 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted by 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.)