

S/L 143
08.02.2024
Court No.14
SD

WPA 26491 of 2023

Rakesh Das
Vs.
The State of West Bengal & Ors.

Mr. Abdus Soham
Sk. Morshed Ali
Mr. Subrata Mukherjee

...for the Petitioner.

Mr. Asish Kumar Guha
Mr. Benazir Ahmed

...for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's wife and minor child were abducted by the respondent nos.8 and 9. A complaint was made to the police station but was not acted upon.

Learned counsel appearing on behalf of the private respondents submits that while the respondent no.8 is a neighbour of the wife and the respondent no.9 is her maternal aunt. The wife and child of the petitioner were tortured by the petitioner and driven out of their residence. They had to take shelter in the wife's maternal home.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. After the complaint was made by the petitioner, the wife of the petitioner came to the police station and gave it in writing that out of her own volition she was staying at her own

paternal home along with her minor child. In fact, on 03.12.2023 she lodged an FIR against the present petitioner and others under Sections 498A, 323, 354, 506, 34 of the IPC.

It appears from the police report that not was the petitioner's wife tortured by him, she subsequently lodged an FIR, inter alia, under Section 498A of the IPC.

Therefore, it is evident that the petitioner has tried to mislead the Court by claiming that somebody had abducted the petitioner's wife and child.

Hence, I find no merit in the application.

Accordingly, the writ petition is dismissed with a cost of Rs.5,000/- to be paid by the petitioner and deposited before the State Legal Services Authority, 5, Kiran Sankar Roy Road within a fortnight from this date.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)