

D/L19
29.11.2024
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ct.no.35

W.P.A.27941 of 2024

**Bina Midya
Versus
The State of West Bengal & Ors.**

Mr. Sayan Banerjee
Ms. Suparna Dutta.
...for the petitioner.

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

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

Petitioner is aggrieved by the steps not being taken by the police authorities in course of further investigation pursuant to the directions dated 22nd February, 2024. Learned advocate appearing for the petitioner has drawn the attention of the Court to the different observations made by the learned CJM, Purba Medinipur while considering the application for further investigation. Petitioner has also expressed her grievance regarding the communication made to the Officer-in-Charge, Kolaghat Police Station in respect of the petitioner being threatened at the behest of the accused persons.

Learned advocate for the State has submitted a report. Report reflects that subsequent to the order

passed on 22nd February, 2024 in connection with the case relating to Kolaghat P.S. Charge-sheet No.280 of 2024 dated 16.06.2024 has been submitted before the jurisdictional court concerned.

In view of the changed circumstance if there is further grievance regarding the investigation, petitioner would be at liberty to canvass such issue before the learned jurisdictional court being the learned CJM, Purba Medinipur or any court assigned by the learned CJM, Purba Medinipur.

So far as the present petitioner being threatened at the behest of the accused persons are concerned, the Officer-in-Charge, Kolaghat Police Station will assess the threat perception of the petitioner by preparing a threat analysis report in accordance with the provisions of Witness Protection Scheme, 2018 or according to the directions passed by the Hon'ble Supreme Court in the decision of **Mahender Chawla & Ors vs. Union of India & Ors.** reported in **(2019) 14 SCC 615.**

The Officer-in-Charge, Kolaghat Police Station every 21 days will submit a report regarding the issue of threat perception to the jurisdictional Magistrate in seisin of the matter. It would be open to the police authorities to pray for subsequent modification of the order so passed in respect of the

threat perception report if it is subsequently found that the petitioner's threat perception has been diluted with passage of time.

With the aforesaid observations, WPA 27941 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioners.

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.)