

8 12.12.2024

No. 35

G.S.Das

Jorge Ali Sk.

-Vs-

The State of West Bengal & Ors.

Mr. N. I. Khan

Mr. Amlan Kumar Mukherjee

... for the Petitioner(s)

Mr. K. J. Yusuf, Id. AGP

Mr. Parikshit Goswami

... for the State-respondent(s)

Mr. Arkadipta Sengupta

Ms. Aayushi Mukherjee

... for the private-respondent(s)

Affidavit-of-service so filed be kept

with the record.

The petitioner is aggrieved by the fact that pursuant to the complaint, Usthi P.S. Case No. 103/2024 was registered for investigation as the petitioner's shop room was demolished and, materials worth Rs.50,000/- as also cash of Rs.10,000/- were looted from his shop room.

Learned advocate appearing for
the petitioner submits that there was

threatening of dire consequences by the private respondents and the petitioner presently, is also not being allowed to run his shop room.

Learned advocate submits that the petitioner may be allowed to run his business from the said shop room concerned.

Learned advocate for the State submits a report, which reflects that the investigating authority on conclusion of investigation in connection with the aforesaid case referred to by the petitioner has already submitted charge-sheet before the learned jurisdictional court.

In the report of the police authorities, although, it has been referred regarding the statements being recorded of different witnesses but, there is no information to the effect that whether efforts were taken for recovery of the

materials, which have been complained of by the petitioner.

Learned advocate for the respondent nos. 5, 6 and 7 submits that the shop room belongs to them and they have title in respect of the said property.

Be that as it may, this court will not enter into the domain of right, title and interest in respect of any property.

However, if the petitioner is aggrieved regarding the investigation which has been carried out by the Usthi Police Station, particularly, with regard to recovery of the materials, in that case, the petitioner would be at liberty to file an application under Section 173(8) of the Cr.P.C. before the learned jurisdictional court.

If the petitioner feels insecure because of the act and activities of the

private respondent(s), the petitioner will apply before the Learned Magistrate for alteration and/or modifying the conditions imposed while the private respondents were granted bail.

The learned Magistrate, if he/she deems fit and proper, in the circumstances, may direct the accused persons(s) to stay outside the jurisdiction of the concerned police station.

With the aforesaid observations, WPA 28747 of 2024 is disposed of.

Report so submitted be kept with the record. Let a copy of the report be handed over to the learned advocate for the petitioner.

Since affidavits have not been invited, the allegations made in the writ petition are deemed not to have been admitted.

Parties to act on a server copy of
this order duly collected from the official
website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)