

D/L 20
13.11.2024
Kausik
ct.no.35

W.P.A. 28288 of 2023

**Sanjib Saha
Versus
State of West Bengal & Ors.**

Ms. Devi Priya Mitra
Mr. Supriyo Ghosh
Ms. Susmita Adhikary

...for the petitioner.

Mr. Jayanta Samanta, Jr. Govt. Adv.
Ms. Indu Mouli Banerjee

...for the state.

Learned advocate appearing for the petitioner submits that petitioner is in possession of a room and the private respondents are trying to use force and it is further alleged that in their absence the respondents had break open the padlock and committed theft of the belongings.

Affidavit of service so filed be kept with the record.

Supplementary affidavit filed by the petitioner be kept with the record.

State has submitted a report. Report reflects that earlier petitioner approached the learned executive magistrate. However police on enquiry is not accepting the allegations made by the petitioner.

Learned advocate appearing for the respondent emphasizes on the subsequent changes including the issues relating to assault. To that effect, medical report has been enclosed in the supplementary affidavit.

In view of the police authorities, not acting on the subsequent information so furnished, I grant liberty to the petitioner to approach jurisdictional criminal court to invoke the provisions under section 175(3) of the BNSS.

Learned magistrate would peruse the documents, conduct an enquiry and thereafter proceed in accordance with law.

With the aforesaid observations WPA 28288 of 2023 is disposed of.

Report so submitted be kept with the record. A copy of the report has been handed over to the learned advocate for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)