

Item No.71
23.12.2024
Court. No. 35
GB

WPA 29734 of 2024

Brahmananda Bijali
VS
The State of West Bengal & Ors.

Ms. Sumita Sankar

...for the Petitioner.

*Mr. Amitesh Banerjee, Sr. Standing Counsel,
Mr. Akash Dutta*

...for the State.

*Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh*

...for the Respondent Nos.7 & 8.

Affidavit-of-service filed on behalf of the petitioner is kept with the record.

The petitioner is aggrieved by the fact that a representation was addressed on 05.10.2024 to the Officer-in-Charge, Bansdroni Police Station, but in spite of receiving the same, no action has been taken by the police authorities. The petitioner has other issues with the son and the daughter-in-law, being the respondent nos.7 and 8 in the writ petition.

Learned advocate appearing for the respondent nos.7 and 8 in the writ petition has submitted that on a manufactured set of facts the information was addressed to the Officer-in-Charge of the concerned police station and there are documents in their custody to show that at the relevant point of time they were not at home. Further, the gift deed which is referred was on an earlier point of time and is not in close proximity of time.

Learned advocate for the State has submitted a report which reflects that the police authorities have already registered a case being Bansdroni P.S. Case No.987 of 2024 under the relevant provisions of the BNS against the respondent nos.7 and 8.

So far as the contention of the private respondents are concerned, the same are plea which are to be adjudicated as the same are question of facts. So far as the other issues are concerned, since a criminal case has already been registered any violation of the petitioner's right who is the de facto complainant would be brought to the notice of the learned Magistrate in seisin of the matter who would pass necessary directions under the Witness Protection Scheme, 2018. So far as the progress of the investigation is concerned, police authority is to submit the report before the jurisdictional Magistrate.

With the aforementioned observations, WPA No.29734 of 2024 is disposed of.

Report so submitted be kept with the record.

Copy of the report be handed over to the learned advocate appearing on behalf of the petitioner.

Urgent xerox certified copy of this order, if applied for, be given to the parties on priority basis.

(Tirthankar Ghosh, J.)