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31.07.2024
Ct. No.02
NB

HIGH COURT AT CALCUTTA
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction

WPA 633 of 2024

Sahidul Rahaman
Vs.
The State of West Bengal & Ors.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Sayantani Das.
...for the petitioner.

Mr. Nabankur Paul,
Ms. Bedashruti Bose.
...for the State.

Mr. Ankan Mitra
....for the respondent no.6.

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

Vakalatnama filed on behalf of the respondent no.6 is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. A direction may be issued upon the respondent nos.2 to 5 to take appropriate steps to comply with the order passed of the learned Executive Magistrate, Mekhliganj, Cooch Behar. On 03.01.2024, a complaint made by the petitioner was forwarded by the Sub-divisional Officer, Cooch Behar to the Officer-in-Charge, Mekhliganj Police Station. However, on 05.01.2024, this Court in *WPA 43 of 2024* refused to

interfere with a similar application of the petitioner, although granting liberty to the petitioner to work out remedies in accordance with the provisions of law laid down under the Code of Criminal Procedure for execution of the order passed by the learned Magistrate.

Learned counsels appearing on behalf of the State and the private respondent submit that the application is barred by *res judicata*. Earlier, a similar prayer was decided by a coordinate Bench of this Court.

It appears that by an Order dated 05.01.2024 passed in *WPA 43 of 2024*, a similar prayer of the petitioner to have the order passed by the Executive Magistrate executed was disposed of by granting liberty to the petitioner to act in terms of provisions contained in the Code of Criminal Procedure.

It does not appear that there is any change in circumstance.

Therefore, I find no reason to interfere with the prayer made by the petitioner in this writ petition.

Accordingly, the writ petition is dismissed, albeit, without any order as to costs.

The petitioner, however, shall be at liberty to act in terms of the directions given by this Court on 05.01.2024.

Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)