

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

18 02.4.2024
Sc Ct. no.2

WPA 1912 OF 2023

Kalyani Barman

Vs.

The State of West Bengal & Ors.

Mr. Hillol Saha Poddar

....For the Petitioner

Mr. Joyjit Choudhury
Mr. Pretom Das.

....For the Respondents
State

Mr. Hillol Saha Poddar, learned counsel
appears for the petitioner.

The plea of the petitioner is that, her husband contested the last Panchayat Election. While contesting the Panchayat Election, the husband of the petitioner became a target of a group of rivals. The petitioner's husband suffered a bullet injury. The petitioner as the defacto complainant lodged a complaint before the jurisdictional police authority. On the basis of such complaint, from prayer (a) to the writ petition it appears that, a criminal case was registered being ***Dinhata Police Station Case No.345 of 2023***

dated July 8, 2023, inter alia, under Sections 448/341/326/307/379/506 of the Indian Penal Code, 1860 read with Sections 25/27 of the Arms Act. The petitioner claims an immediate arrest of the accused persons. The petitioner submits that, the accused persons applied for anticipatory bail before this Court and the same was rejected. The petitioner, her husband and all her family members are regularly under threat by the accused persons. However, till today the police authority failed to take any step to arrest the accused persons.

Mr. Joyjit Choudhury, learned Additional Advocate General for the State appears for the State respondents.

None appears for the private respondents.

Learned Additional Advocate General submits that the chargesheet has already been submitted before the jurisdictional criminal Court. The next day fixed before the jurisdictional criminal Court is ***April 12, 2024.*** He further submits that, two of the alleged accused persons are already taken into custody. About eight numbers of the alleged accused persons are enlarged on bail by the jurisdictional criminal Court. Proclamation has

already been issued against the rest of the accused persons.

Considering the above submissions made on behalf of the parties and considering the materials on record this Court is of the firm view that, the police authority has taken all the necessary steps in accordance with law. The criminal case is being proceeded with before the jurisdictional criminal Court. Therefore, pending the criminal trial, this Court is of the considered view that, a constitutional Court in exercise of its power under Article 226 of the Constitution of India shall not interfere in the given set of facts.

However, the jurisdictional criminal Court is requested to expedite and complete the trial and to arrive at its logical conclusion preferably within a period of **one year** from the date of commencement of trial. This Court also expects that, the trial shall commence soon.

Since affidavits are not called for the allegations made in the writ petition are deemed not to have been admitted by the respondents.

Observation, if any, made herein shall not be binding upon the jurisdictional criminal Court and the jurisdictional criminal Court shall proceed

independently without being influenced by any observation made by this Court.

With the above observations and directions this writ petition, **WPA 1912 of 2023** stands disposed of without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)