

D/L 72
27.01.2025
Bpg.
ct.no.35

W.P.A.890 of 2025

**Sainal Akhtar Jaman & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Debasis Kar
Mr. Husen Mustafi.
...for the petitioners.

Mr. Joydip Banerjee
Ms. Sharmila Deb.
...for the State-respondents.

Mr. Sandipan Maity
Mr. Nobiul Islam
Mr. Subrata Ghosh.
...for the private respondents.

Petitioners are aggrieved by the fact that the private respondents by fraudulent means have grabbed the property of the petitioners.

Learned advocate appearing for the State has submitted a report which reflects that civil suit being Partition Suit No.400 of 2021 and Title Suit No.166 of 2023 are pending before the learned Civil Judge (Junior Division), Berhampore, Murshidabad.

Petitioners allege regarding certain forged documents which is the genesis of the case.

Learned advocate for the private respondents disputes the same and submits that they are also the

heirs of the ancestor in respect of which claim has been placed by the petitioners.

Be that as it may, this Court will not enter into the arena of the right of the petitioners or the private respondents in respect of the property concerned. If there is any document in possession of the petitioners, petitioners would be at liberty to approach the jurisdictional criminal court by way of invoking the provisions of Section 175(3)/Section 223 of the BNSS. Learned Magistrate would apply his mind in respect of the accusations made so far, call for a preliminary report from the police authorities and thereafter pass directions by exercising his discretion without being influenced by any observations made above. The police authorities would keep a strict vigil and ensure that no breach of the peace or tranquility takes place.

With the aforesaid observations, WPA 890 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)