

28.01.2025
Court No. 35
Item No. 61
(Suvendu)

WPA 1425 of 2025

Tarun Kumar Dutta
-Versus-

The State of West Bengal & Ors.

Mr. Supratick Syanal
Mr. Mayukh Mukherjee
Mr. Alokesh Dalai
.....for the petitioner

Mr. Nilotpal Chatterjee
Mr. Sayan Ganguly
.....for the State

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

Petitioner is aggrieved by the fact that in
spite of informing the police authorities on 19th
December, 2024 no action has been taken by
them.

Petitioner complains that the information
furnished with the police authorities *prima facie*
reflects cognizable offence but the police
authorities have refused to take any action.
Petitioner also alleges that he has been
threatened and he is feeling insecure to stay in
his house.

State has submitted two reports. One is
prepared by Officer-in-Charge of Khardah Police
Station and other is prepared by Officer-in-

Charge of Haripal Police Station which reflects that on the basis of complaint lodged Haripal Police Station Case No. 726/2024 dated 2nd December, 2024 has been registered against the petitioner. The subject matter involves about Rs. 1.5 corers. Report of Khardah Police Station reflects that a proceeding has been drawn up under Section 126 of the BNSS. However, no case has been registered by the police authorities as the police authorities on enquiry came to a finding that no cognizable offence has been made out.

I have considered the submissions advanced by the learned advocates appearing for the petitioner and State. Considering the nature of the accusation, I direct in the event the petitioner is aggrieved by the inaction of the police authorities he would be at liberty to approach the jurisdictional Magistrate under Section 175(3) of the BNSS. The concerned Magistrate would apply his judicial mind in respect of the accusation so alleged and thereafter exercise his discretion in accordance with law.

However, so far as the insecurity which has been alleged by the petitioner, I direct that if

the petitioner furnishes information to the concerned Police Station that he is unable to reside at his residence police authorities will enquire into the same and keep a strict vigil in the locality and ensure that no breach of peace and tranquility takes place in the event petitioner stays at his residence.

With the aforesaid observations, WPA 1425 of 2025 is disposed of.

Reports so submitted be kept with the record.

Let copies of the reports be handed over to the learned advocate appearing for the petitioner.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High, Calcutta.

(Tirthankar Ghosh, J.)

