

D/L 91
29.01.2025
Bpg.
ct.no.35

W.P.A.1560 of 2025

**Sri Somnath Ghosh
Versus
The State of West Bengal & Ors.**

Ms. Subhra Nag.
...for the petitioner.

Mr. Suman Ghosh
Mr. Siddharta Ghosh.
...for the State-respondents.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner informed the Officer-in-Charge, Shakespeare Sarani P.S. in respect of the money lent by him to the tune of Rs.1,75,000/- to one Harisadan Jana on sympathetic ground and in good faith. The said amount was transferred by way of a banking transaction. However, the said Harisadan Jana presently is refusing to refund the amount. Petitioner is aggrieved that the police authorities have not registered FIR.

Learned advocate appearing for the State has submitted a report. Report reflects that no case has been initiated by the police authorities till date.

In view of the same, I direct the petitioner to exhaust the statutory remedy available under Section 175(3) of the BNSS. Petitioner would approach the

jurisdictional Magistrate, learned Magistrate would first assess whether a cognizable offence is made out thereafter also take into account whether a case for investigation is made out and then exercise his discretion by way of passing necessary orders.

With the aforesaid observations, WPA 1560 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.)