

D/L 42
22.01.2025
Bpg.
ct.no.35

W.P.A.2256 of 2024

Tapan Roy
Versus
The State of West Bengal & Ors.

Mr. Gouranga Kumar Das.
...for the petitioner.

Mr. Jayanta Samanta
Mr. Kushal Das.
...for the State-respondents.

Mr. Radhasyam Maiti.
...for the respondent Nos.4 to 7.

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

In respect of the incident of 27.10.2023 State
claims that Pathar Pratima Police Station Case No.41
of 2024 dated 08.02.2023 was registered.
Presumably, the said case was registered after three
months. If the fact narrated in the report is accepted
to be true, the manner in which the petitioner has
been dispossessed cannot be granted an approval of a
court of law. It has also been informed that the police
authorities has submitted a final report in connection
with Pathar Pratima Police Station Case No.41 of
2024.

Learned advocate appearing for the petitioner submits that no notice was served pursuant to such final report having been submitted.

Be that as it may, if the petitioner prefers an application under Section 173(8) of the Code of Criminal Procedure, the jurisdictional Magistrate in seisin of the matter will exhaust the steps taken by the police authorities for unearthing the truth and thereafter decide as to whether the police authorities have performed their functions in adherence to the provisions of law. In case there is a dissatisfaction, this Court directs that the learned jurisdictional Magistrate would pass directions for investigation and a superior officer be engaged for monitoring such investigation regarding the inaction of the police authorities.

With the aforesaid observations, WPA 2256 of 2024 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)