

M/L 26
03.03.2025
Bpg.
ct.no.35

W.P.A.3781 of 2025

Tushar Kanti Ghosh
Versus
The State of West Bengal & Ors.

Mr. Soujanya Bandyopadhyay.
...for the petitioner.

Mr. Jaharlal Dey
Mr. Durga Bhusan Mukhopadhyay.
...for the State-respondents.

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

Petitioner complains that in spite of informing the police authorities that at the time of harvesting, the private respondents by brandishing fire arms threatened the petitioner, no steps have been taken. Additionally, it has been alleged that the private respondents took away the paddy from the field of the petitioner which resulted to a loss of around Rs.50,000/- to the petitioner.

Learned advocate for the State has submitted a report. Report reflects that an enquiry was conducted and on enquiry the police authorities did not find any substance in respect of the complaint filed by the petitioner.

Be that as it may, since the petitioner's information to the police authorities was not acted upon, petitioner, if so advised, would approach the jurisdictional Magistrate under Section 175(3) of the BNSS. Learned Magistrate will assess whether any cognizable offence is made out, ascertain whether a case for investigation is made out and thereafter exercise his discretion in accordance with law.

With the aforesaid observations, WPA 3781 of 2025 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.)