

04.07.2025

Item No.15

Ct. No.35

dc.

W.P.A. 4086 of 2025

**Uma Sarkar
versus
The State of West Bengal & Ors.**

Mr. Ivan Roy,
Mr. Nirupam Dutta ... For the Petitioner.

Mr. Vimal Kumar Shahi, AGP,
Ms. Pratiti Das ... For the State.

Mr. Kaustav Ch. Das ... For the private Respondents.

Supplementary affidavit filed on behalf of the petitioner be kept with the record.

The petitioner complains of excesses at the behest of the private respondents. To that effect, attention of the Court has been drawn to pages 38 and 39 of the writ petition which are emergency tickets of government hospital.

In view of the fact that the petitioner complained to the police authorities and no steps have been taken by the police authorities, according to the relevant provisions of Section 173 of BNSS, petitioner is supposed to take steps. As the relevant provisions state that if the police authority or the superior officer of police refuses to take any action, it is the duty of the person concerned to approach the jurisdictional Magistrate.

Accordingly, the petitioner would approach the jurisdictional Magistrate under the relevant provisions of Section 175(3) of the BNSS. Learned

Magistrate would assess and ascertain as to whether a case for investigation has been made out.

State has earlier submitted a report which reflects that proceedings have been drawn up under Section 126 of BNSS. State would continue their surveillance and ensure that no untoward incident results because of the inimical relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 4086 of 2025 is disposed of.

There will be no order as to costs.

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

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

(Tirthankar Ghosh, J.)