

13.03.2025
Item No.22
Ct. No.35
dc.

W.P.A. 4770 of 2025

Sudhangshu Debnath
versus
The State of West Bengal & Ors.

Mr. Dipta Dipak Banerjee ... For the Petitioner.

Mr. Swapan Banerjee, AGP,
Mr. Soumen Chatterjee ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

The petitioner is aggrieved by the act and action of the police authorities. To that effect, he informed the Joint Commissioner of Police (Crime), Detective Department, Kolkata. The main accusation is in respect of an incident of 31.01.2025 where the petitioner claims that certain officials of Muchipara Police Station came to his house and asked him to go to the police station. The petitioner claims that he was abused with filthy languages at the police station and at the relevant point of time, he was carrying gold bar weighing about 509.43 grams having valued of Rs.41 lakh which was taken away by the police.

State has submitted a report which reflects that the CCTV footage of the police station is available and the dispute is mainly between the petitioner who happens to be the father and his son. There was earlier undertaking given by the

petitioner before the police station for maintaining good behaviour. There are complaints of the son also against the father wherein it has been stated that the father is habitual drunkard, comes late at night, abuses, assaults and threatens him as well as the other family members. State complains that there is a family feud where the police authorities have unnecessarily been implicated.

I do not find that at this stage, this Court should invoke its jurisdiction under Article 226 of the Constitution of India. However, since there are statutory remedies available to the petitioner, the petitioner will approach the jurisdictional Magistrate under Section 175(4) of the BNSS. The learned court will conduct an official enquiry to ascertain as to whether any cognizable offence is made out, thereafter assess whether any case for investigation is made out and then exercise his discretion in accordance with law.

Needless to state that since no affidavits have been called for, the accusations and/or allegations made against the State-respondents are deemed not to have been admitted.

With the aforesaid observations, the writ petition being WPA 4770 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.)