

17.03.2025
Item No.35
Ct. No.35
dc.

W.P.A. 5058 of 2025

**Khana Kayal & Anr.
versus
The State of West Bengal & Ors.**

Mr. Monaranjan Jana ... For the Petitioner.

Mr. Dipayan Datta,
Ms. Sukanya Datta ... For the State.

Mr. Mit Guha Roy ... For the Respondent No.9.

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

Petitioners are mother and daughter while the private respondent no.9 happens to be son of the petitioner no.1. The accusation against the respondent no.9 is that he is assaulting the petitioners and to that effect, information was furnished to the police station, but the police authorities did not take any steps. Additionally, it has been informed that the petitioner no.1 went to Chennai for treatment and after returning from Chennai, she has been subjected to immense physical torture. To that effect, the Inspector-in-Charge, Mandir Bazar Police Station was informed on 01.11.2024 and no steps have been taken by the concerned Inspector-in-Charge.

State has submitted a report which reflects that earlier Mandir Bazar Police Station Case No. 371/2024 dated 17.08.2024 was registered for investigation. Subsequently charge-sheet was submitted before the jurisdictional court.

In view of the charge-sheet having been submitted and the accusation of the petitioners is that the private respondent no.9 is continuing with his activities of torture upon them, the petitioners would be at liberty to approach the jurisdictional court in respect of the liberty granted to the respondent no.9. If any application for cancellation of bail is filed by the petitioners, the learned jurisdictional court will consider and dispose of the same in accordance with law. The learned Magistrate will call for an enquiry report regarding the information furnished on 01.11.2024 and thereafter decide the course of action to be taken in respect of a person against whom a criminal case is pending. If the petitioners are dissatisfied, petitioners would be at liberty to invoke the provisions under Section 223 of the BNSS, if they have evidence in their possession for initiating fresh criminal proceedings.

The police authorities are directed to keep a strict vigil and ensure that since the petitioners are witnesses in the charge-sheet submitted before the jurisdictional court, no physical torture be inflicted upon them and if there are complaints, police would assess the correctness of the same and take steps in accordance with law.

Needless to state that since no affidavits have been called for, the allegations and/or accusations

made against the private respondent and/or the State-respondents are deemed not to have been admitted.

With the aforesaid observations, the writ petition being WPA 5058 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.)