

D/L 12
25.03.2025
Kausik
ct.no.35

W.P.A. 5571 of 2025

**Prasanta Chakraborty
Versus
The State of West Bengal & Ors.**

Ms. Papiya Chattopadhyay

...for the petitioner.

Mrs. Sabnam De Bardhan
Mrs. Kakali Naskar

...for the state.

Petitioner is aggrieved by the fact that there has been an unauthorized construction and from the said construction consequential issues arose for which the petitioner approached this court earlier and to that effect directions were passed in WPA 18032 of 2022. Thereafter a contempt application has already been filed and the same is pending.

Petitioner complains that on or about 02.01.2025 informations were furnished with the Farakka Police Station relating to the attack with deadly weapons and outraging the modesty of elder sister of the petitioner.

State has submitted a report. State has only drawn up proceedings under section 126 BNSS on the basis of the information furnished on 02.01.2024. Since the issue relating to assault and/or outraging the modesty was not considered by

the police authorities and no steps have been taken, petitioner would be at liberty to approach the jurisdictional Magistrate under the relevant provisions of the BNSS. Learned Magistrate will assess whether any cognizable offence has been made out, ascertain whether the case for investigation was made out and thereafter pass necessary orders in accordance with law. Police authorities would continue to keep a strict vigil as they had been doing pursuant to the proceedings drawn up on 02.01.2024.

With the aforesaid observations WPA 5571 of 2025 is disposed of.

Report so submitted 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.

(Tirthankar Ghosh, J.)