

28.03.2025
Court No. 35
Item No.103
Rakib

W.P.A. 6012 of 2025

Minu Maity.
VS
The State of West Bengal & Ors.

Mr. Sabab Uddin Laskar.
... for the Petitioner.
K.J. Yusuf, Ld. AGP,
Ms. Munmun Ganguly.
...for State.

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

Petitioner approached this Court being aggrieved
by the fact that the police authorities were reluctant to
trace out the accused persons in connection with
Namkhana Police Station case no.163/24 dated
09.11.2024. According to the petitioner, although the
anticipatory bail of the accused persons were not pressed
but inspite of the same police authorities did not put in
any efforts for tracing out the accused persons.

State has submitted a report wherein it reflects
that charge-sheet has been submitted in connection with
Namkhana Police Station case no. 163/24 dated
09.11.2024. However, in the said charge-sheet one Gouri
Maity was discharged.

In view of one of the accused person being
discharged the petitioner was entitled to a notice for
ventilating her grievances. Although, charge-sheet reflects
that warrant of arrest has been issued, I am of the view

that the State authorities should serve a notice upon the de facto complainant so that if the petitioner/de facto complainant is aggrieved by the investigation and/or discharge of the accused person, she can ventilate her grievance by taking out an appropriate application under Section 193(9) of the BNSS.

It is further directed that the learned Magistrate would ensure that the warrant of arrest which has been issued is executed or in the alternative proceed for exhausting harsher process of law.

With the aforesaid observations WPA 6012 of 2025 is disposed of.

Report so 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 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.)