

M/L 31
05.05.2025
Bpg.
ct.no.35

W.P.A.8532 of 2025

**Uday Bhattacharjee
Versus
The State of West Bengal & Ors.**

Ms. Pampa Dey Dhabal
Ms. Sangita Banerjee.
...for the petitioner.

Mr. Ayan Chandra Roy
Mr. Kaustav Chatterjee.
...for the State-respondents.

Mr. Sayan Ray
Mr. Samrat Choudhury.
...for the respondent no.7.

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

Petitioner is aggrieved by the fact that in spite of representation filed with the Inspector-in-Charge, Maheshtala Police Station on 11.11.2024, no steps were taken. Subsequently, communication was made to the Superintendent of Police, Diamond Harbour Police District, still no action was taken. Petitioner has enclosed the medical documents in support of his contention.

State has submitted a report. Report reflects that there were issues relating to supply of building materials with the private respondent no.7. As such, proceedings were drawn up under Section 126 of the BNSS on or about 23.04.2025. Police authorities also

conducted an enquiry and it appeared that a surgery was conducted upon the petitioner at Arti Hospital, Budge Budge and during this, a strain was implanted at his heart on 08.11.2024. On perusal of the said medical documents, no history of the alleged physical assault or assault mark caused by the alleged attack by firearms could be substantiated from the medical report.

Learned advocate for the private respondent no.7 submits that the respondent supplied building materials and the petitioner did not pay any money in respect of the goods so supplied.

Having considered the nature of the dispute and the medical documents so placed which has been disputed by the police authorities, I am of the view that the petitioner would approach the jurisdictional Magistrate under the relevant provisions of law. Learned Magistrate would conduct an enquiry and thereafter if he deems fit and proper would exercise his discretion in accordance with the provisions of law.

With the aforesaid observations, WPA 8532 of 2025 is disposed of.

There will be no order as to costs.

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.

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

(Tirthankar Ghosh, J.)