

07.05.2025
Court No. 35
Item No.10
Rakib

W.P.A. 8944 of 2025

Md Sabir Sardar.
VS
The State of West Bengal & Ors.

Mr. Aniket Mitra.

... for the Petitioner.

Mr. Biswabrata Basu Mallick, Ld. AGP,

Mr. Sayan Ganguly.

...for State.

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

Petitioner is aggrieved by the fact that inspite of informing the Basirhat Police Station as also the Superior Officer of police no steps have been taken in respect of the complaint which was sent on 27.01.2025. According to the petitioner the contents of the complaint reflects cognizable offences, which warranted the police authorities to rise to the occasion and register FIR.

Mr. Basu Mallick, learned Additional Government Pleader appearing on behalf of the State has submitted a report. Report reflects that the accusations made by the petitioner were found to be incorrect.

Having considered that there is a dispute relating to the facts complained of by the petitioner and the findings of the Officer who has enquired into the issues, liberty should be granted to the petitioner so that he can approach the Jurisdictional Magistrate by invoking the relevant provisions of law. Learned Magistrate would

enquire as to whether a cognizable offence is made out and thereafter pass necessary direction by exercising his discretion.

With the aforesaid observations WPA 8944 of 2025 disposed of.

Report so submitted by the State be kept with the record.

Copy of the report be handed over to 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.)