

D/L 25  
25.02.2025  
Bpg.  
ct.no.35

**W.P.A.10123 of 2023**

**Dilip Kar  
Versus  
The State of West Bengal & Ors.**

Mr. Sudip Sarkar  
Mr. Krishnapada Santra  
Mrs. Sneha Maity.  
...for the petitioner.  
Mr. Santanu Kr. Mitra  
Mr. Amartya Pal.  
...for the State-respondents.

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

Petitioner is aggrieved by the fact that in spite of informing the police authorities on or about 21.02.2023, no steps have been taken and the private respondents are pursuing their illegal act and actions.

State has submitted a report. Report reflects that pursuant to the information so received, police authorities conducted an enquiry and drew up proceeding against the private respondents under Sections 107/116(3) of the Code of Criminal Procedure.

I have considered the submission of the petitioner as well as that of the State-respondents and I find that there is a specific accusation in the complaint.

Petitioner is accordingly directed to approach the jurisdictional Magistrate. If the Ld. Magistrate is

of the view that a cognizable offence is made out, the jurisdictional Magistrate will assess regarding the nature of the accusations made, the action taken by the police authorities and if he finds that a case for investigation has been made out pass necessary directions by exercising his discretion.

Police authorities had been keeping a strict vigil, they would continue such surveillance to prevent any untoward incident at the behest of the petitioner and/or the private respondents.

With the aforesaid observations, WPA 10123 of 2023 is disposed of.

There will be no order as to costs.

Report 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 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.)***