

D/L 9
05.02.2025
Kausik
ct.no.35

W.P.A. 11046 of 2024

**Asima Hati
Versus
State of West Bengal & Ors.**

Ms. Priya Ghosal
Mr. Shil Kabir
Mr. Dweep Adhikary

...for the petitioner.

Mr. Manjit Singh, Sr. Counsel
Mr. Kaushik Chatterjee
Mr. Soujanya Pattanayak
Mr. Arkaprabho Roy
Mr. Biswajit Mal

...for the respondent nos. 5 to 7.

Mr. Swapan Banerjee
Mr. Barun Chatterjee

...for the state.

Affidavit of service so filed be kept with the
record.

Petitioner is aggrieved by the fact that in spite of informing the police authorities regarding the disputes and differences and in respect of encroachment of her property, the private respondents are abusing her, assaulting her mercilessly and threatening her for not complaining to any authority, in the alternative she would be murdered.

Learned advocate for the State submits that he has received a report, wherefrom it reflects that proceedings have been drawn up under section 107/116 of the Code of Criminal Procedure. Steps have been taken by the police authorities and police authorities have kept a strict vigil.

Mr. Singh, learned advocate appearing for the respondent nos. 5 to 7 submits that the petitioner herself was intending to construct a privy at the public road which was resisted by the villagers. To that effect, the villagers submitted their representation before the administrative authorities.

Learned advocate for the petitioner submits that in spite of informing the police authorities and enclosing the medical documents, no action has been taken.

In view of the petitioner insisting that the petitioner has been assaulted which resulted in physical injuries and the police authorities on being informed, did not act upon the information, petitioner would be at liberty to approach the jurisdictional criminal court under section 175(3) of the BNSS.

Learned Magistrate would first test whether a cognizable offence is made out, thereafter the learned Magistrate would also check as to whether a case for

investigation has been made out and then exercise his discretion in accordance with law.

So far as the police authorities are concerned, they would continue to keep a strict vigil and ensure that no breach of the peace or tranquility or any untoward incident results because of the inimical relationship existing between the petitioner and the private respondents.

With the aforesaid observations WPA 11046 of 2024 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)