

M/L 21
24.06.2025
Bpg.
ct.no.35

W.P.A.10386 of 2025

**Kulsuma Khatun
Versus
The State of West Bengal & Ors.**

Mr. Kamalesh Bhattacharyay
Mr. Shahan Shah
Mr. Soumen Barman.
...for the petitioner.

Mr. Suman Ghosh
Mr. Arka Mondal.
...for the State-respondents.

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

Learned advocate for the petitioner is aggrieved by the fact that in spite of issuance of search warrant under Section 97 of the BNSS by the Sub-Divisional Magistrate, Tamluk, Purba Medinipur, no steps have been taken.

In view of the application being only under Section 97 of the BNSS without a criminal case being pending, I am of the opinion that the order so passed on 07.01.2025 by the Sub-Divisional Magistrate, Tamluk, Purba Medinipur in Case No.18 of 2024 is not maintainable.

Petitioner is granted liberty to take out a similar application in connection with Kolaghat P.S.

Case No.875 of 2024 which is pending before the jurisdictional Magistrate. Since the subject matter of Section 97 of the BNSS relates to testimonials and ornaments, learned Magistrate would consider the application in accordance with law. If such an application is preferred, learned Magistrate would issue notice to the affected parties and thereafter decide the same in accordance with law, preferably within a period of 30 days from the date of filing of the application.

With the aforesaid observations, WPA 10386 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.)