

07.07.2025
Item No.26
Ct. No.35
dc.

W.P.A. 10944 of 2025

Sunil Kumar Mondal
versus
The State of West Bengal & Ors.

Mr. Satrajit Sinha Roy,
Mr. Supriyo Ghosh,
Ms. Susmita Adhikary ... For the Petitioner.

Mr. Ansar Mandal, AGP,
Mr. Tanweer J. Mandal ... For the State.

Report submitted by the learned advocate appearing for the State be kept with the record.

The petitioner is aggrieved by the inaction of the police authorities and submits that since he is a senior citizen, he is entitled to get protection from the police authorities as he is being tortured at the behest of the private respondent nos. 7 and 8.

Learned advocate appearing for the petitioner has drawn the attention of the Court to the representation so filed with the police authorities and also relied upon an order of a coordinate Bench passed in WPA 12146 of 2021.

State has submitted a report which reflects that the petitioner is staying at the property. To that effect, a specific averment has been made by the Inspector-in-Charge, Maheshtala Police Station. There is a civil suit also pending which was initiated at the behest of the daughter of the petitioner. Police authorities have already drawn up proceedings under Section 126 of BNSS. The report

also reflects that no cognizable offence has been made out.

I have considered the judgement referred to and I am of the opinion that a judgement cannot be read as a statute. Each case it has its foundation in the facts of the case. The police authorities over here have pointed out that no cognizable offence is made out. As such, they have drawn up proceedings under Section 126 of BNSS. Having considered that the police authorities have drawn up proceedings under Section 126 of BNSS, I direct that the police authorities would continue their surveillance and ensure that no untoward incident results between the petitioner and the respondent nos. 7 and 8. To that effect, police authorities, if required, would be guided by the principles of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and if required, would bind the private respondent nos. 7 and 8 by furnishing bond.

With the aforesaid observations, the writ petition being WPA 10944 of 2025 is disposed of.

There will be no order as to costs.

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.)