

24.02.2025
Item No.39
Ct. No.35
dc.

W.P.A. 11909 of 2024

**Binoy Das @ Benoy Kumar Das & Anr.
versus
The State of West Bengal & Ors.**

Mr. Mrinal Kanti Ghosh ... For the Petitioners.

Mr. Ansar Mandal, AGP,
Mr. Asish Dutta ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioners.

The petitioners complain that they have been resisted by the private respondents and the private respondents are enjoying the temple and its adjoining property. The private respondents are also threatening the petitioners of dire consequences of murdering them. To that extent, information was furnished with the police authorities on or about April, 2024 being the Officer-in-Charge/Inspector-in-Charge, English Bazar Police Station. However, no action has been taken by the police authorities.

State has submitted a report which reflects that the police authorities enquired into the accusations made by the petitioners and subsequently drawn up proceedings under Section

107 of the Code of Criminal Procedure. Having considered that the police authorities have already enquired into the accusations and found that non-cognizable offence has been made out and there is a grievance of the petitioners existing, I direct that if so advised, the petitioners would be at liberty to file application under Section 223 of the BNSS before the learned jurisdictional Magistrate. Learned jurisdictional Magistrate would under the provisions of the new Sanhita exercise his powers regarding enquiry and thereafter, if he finds material, takes steps by adhering to the provisions of law.

Since the police authorities at the relevant point of time drew up proceedings under Section 107 of the Code of Criminal Procedure, I direct the police authorities to keep the surveillance existing for some more time so that no untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations, the writ petition being WPA 11909 of 2024 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.)