

30.04.2025

Item No.8

Ct. No.35

dc.

W.P.A. 12062 of 2024

**Moniora Mallick @ Monira Mallick
@ Moninara Mallick
versus
The State of West Bengal & Ors.**

Mr. Aniket Mitra,
Mr. Musharraf Alam Sk.,
Ms. Susmita Ghorai ... For the Petitioner.

Mr. Suman Sengupta,
Mr. Sanjit Chatterjee ... For the State.

Report submitted by the learned advocate appearing for the State be kept with the record. A copy of the report without enclosures be handed over to the learned advocate appearing for the petitioner.

The petitioner has approached this Court as she is unable to stay at her residence and her initial allegation is that a sealed padlock has been affixed by the police authorities. However, learned advocate appearing for the State submits that earlier the petitioner had been to her residence after being released on bail in connection with Panchla Police Station Case No. 187/2020 dated 16.08.2020 and she herself had broken the padlock. However because of the resistance by the inmates of her matrimonial home as also the villagers, she could not stay at the said residence and as such, the police authorities have never prevented the petitioner from entering the residence. The petitioner has additionally submitted that presently

she is unable to stay at the residence because of interference of the inmates of her matrimonial home along with the villagers concerned.

State has submitted a report along with an enclosure which contains a mass signature application against the petitioner being submitted before the Officer-in-Charge, Panchla Police Station and it reflects that the signatories had expressed their insecurity as well as her arrogance. Since a jurisdictional trial court is already in seisin of the criminal case arising out of Panchla Police Station Case No. 187/2020 dated 16.08.2020, I am of the view that the jurisdictional court will consider the plight of the petitioner as also whether any of the inmates of the matrimonial home are witnesses and their issue relating to threat perception based on Witness Protection Scheme, 2018 and thereafter decide on the issue relating to the petitioner returning at her home provided there are no conditions so imposed while the petitioner was released on bail.

The petitioner is at liberty to take out an application before the jurisdictional court which is already in seisin of the issue. Learned court will take into account the aforesaid reasons which have been assigned by this Court and thereafter decide the same in accordance with law.

With the aforesaid observations, the writ petition being WPA 12062 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.)