

09.07.2025
Item No.11
Ct. No.35
dc.

W.P.A. 11143 of 2025

Swarup Palit
versus
The State of West Bengal & Ors.

Mr. Swarup Banerjee,
Mr. Sajal Kumar Ghosh,
Mr. Subham Biswas ... For the Petitioner.

Mrs. Sabnam De Bardhan,
Mrs. Kakali Naskar ... 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.

The petitioner is aggrieved by the fact that he has lent out a sum of money to the private respondent. However, without refunding such money, the private respondent ran away by affixing padlock at his residence. Petitioner complains that there was an element of deception from the very inception when the petitioner was allured by the private respondent.

State has submitted a report prepared by Officer-in-Charge, New Barrackpore Police Station.

Be that as it may, I have considered the grievance of the petitioner and having regard to the nature of the accusations, I grant liberty to the petitioner to approach the jurisdictional Magistrate by way of invoking Section 175(3) of BNSS. The learned Magistrate would assess and ascertain the

genuinity of the accusations and thereafter pass necessary orders as he deems fit and proper.

With the aforesaid observations, the writ petition being WPA 11143 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.)