

26.06.2025
Court No. 35
Item No. 10.
Rakib

W.P.A. 11470 of 2023

Babu Saha.
VS
The State of West Bengal & Ors.

Mr. M.A. Sardar,
Mr. S. Haque.

...for the Petitioner.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata,
Ms. Tuhina Parvin

...for the State.

Mr. Mrityunjoy Goswami,
Mr. Parikshit Goswami.

...for respondent no.5.

Mr. Indranuj Dutta,
Ms. Benazir Sk,
Mr. Asmanur Quail.

...for respondent no.7.

Learned advocate appearing for the petitioner is aggrieved by the inaction of the police authorities and as such has approached this Court as no steps were taken pursuant to the information furnished with the Inspector-in-Charge, Madhyamgram Police Station as well as Superintendent of Police of Barasat Police District.

I have considered the contents in the information so furnished before the respective authorities.

State has submitted a report. Report reflects that against the petitioner Madhyamgram Police Station case no. 504/22 was registered for investigation. Subsequently, the said case ended in charge-sheet in the year 2024.

Petitioner's main grievance is that the police authorities failed to consider the representations and/or the facts narrated by him and consequently an one sided investigation has proceeded which resulted in the petitioner being a charge-sheeted accused, although, his name is different and he has a different identity.

Learned advocate for the Municipality being the respondent no.5 and the learned advocate for respondent no.7 are present.

Having regard to the nature of accusations so made, I am of the view that the petitioner is trying to create a fresh cause of action which has not been considered by the local police authorities or the Superintendent of Police. Accordingly, petitioner will canvass his grievance by way of appropriate application before the learned Chief Judicial Magistrate, Barasat and learned Chief Judicial Magistrate, Barasat will assess and ascertain whether a case for investigation is made out and thereafter pass necessary directions as he deems fit and proper.

With the aforesaid observations WPA 11470 of 2023 is disposed of.

Report so submitted by the State be kept with the record.

Copy of the report without enclosures be handed over to the respective parties.

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.)