

26.06.2025
Item No.85
Ct. No.35
dc.

W.P.A. 12556 of 2025

Vinay Kumar Lakhotia & Ors.
versus
The State of West Bengal & Ors.

Ms. Rajnandini Das,
Mr. Karan Bapuli ... For the Petitioners.

Mr. Swapan Banerjee, AGP,
Mr. Diptendu Narayan Banerjee,
Mr. Soumen Chatterjee ... For the State.

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

The petitioners are aggrieved by the excess inflicted by the police authorities and to that effect, informed the Commissioner of Police, Kolkata. However, no steps have been taken against the private respondents or against the police personnel associated with Burtolla Police Station. Additionally, it has been submitted that specific information was furnished to the police authorities which included the local police station as well as the superior officers of police regarding the harassment, threats and abuse which have been inflicted upon the petitioners and the police authorities acted as a mute spectator without taking any appropriate action in accordance with law.

Learned advocate appearing for the State has submitted a report which encloses a series of documents which includes a photostat copy of the cheques. According to the learned advocate,

cheques were issued by one of the petitioners which was dishonoured and several complaints were filed at Burtolla Police Station.

Be that as it may, since one of the contentions of the petitioners is that the manner in which the petitioner has been inflicted within Burtolla Police Station when he had been there to inform the police authorities and a prayer was made before the superior officer for preservation and for making available the audio-video footages which were available on 23.05.2025, 26.05.2025 and 27.05.2025 in respect of the incident which happened both inside and in front of the police station naming one of the police personnel, I direct that the petitioners would be at liberty to approach the jurisdictional court under the relevant provisions of Section 175(4) of BNSS/Section 223 of BNSS. It would be the discretion of the learned Magistrate to exercise his power after assessing and ascertaining the truthfulness of the accusations and thereafter take a decision whether necessary orders relating to investigation or issuance of process is called for.

The petitioners intend to produce some documents which were subsequent to filing of the writ petition. Since the petitioners, if so advised, would approach the learned jurisdictional Magistrate. Let the said documents be placed before

the concerned court which would consider the same in accordance with law.

Needless to state that since the State-respondents have not used any affidavit, the allegations and/or accusations made in the writ petition are deemed not to have been admitted.

With the aforesaid observations, the writ petition being WPA 12556 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.)