

D/L 62  
16.07.2025  
ct.no.35  
Kausik

**W.P.A. 14011 of 2025**

**Shukla Sarkar  
Versus  
The State of West Bengal & Ors.**

Mr. Ayan Bhattacharjee, Sr. Adv.  
Mr. Ayan Basu  
Mr. Shounak Mondal  
Mr. Suman Majumder

...for the petitioner.

Mr. Swapan Banerjee, Ld. AGP  
Mr. Sk. Md. Masud

...for the State.

Petitioner is aggrieved by the alleged excesses of the police authorities and as such has approached this Court. Petitioner complains that the sons of the petitioner were illegally detained at the police station without any basis and foundation and to that effect the police authorities have been unnecessarily interfering in a civil dispute. There were no informations against the sons of the petitioner and in spite of the same the two sons of the petitioner were detained illegally at the police station.

State has submitted a report. The report speaks that a case has been registered which is Ghola Police Station Case No. 223/25 dated 22.06.2025 because of a specific information

furnished by one Rekha Sarkar, a lady aged about 84 years.

Be that as it may, petitioner's concern is that on 06.06.2025 the sons of the petitioner were detained. The present criminal case which has been registered was on a subsequent date. Therefore, according to the petitioner there was no cognizable offence having been committed on the relevant date when the two sons of the petitioner were detained by the police authorities illegally.

Be that as it may, an exhaustive report has been submitted by the State which reflects that the petitioner's two sons were at loggerhead and there were certain allegations by one Biswajit Sarkar and Surajit Sarkar. The writ petition do not reflect that the said Biswajit Sarkar and Surajit Sarkar has been added as a party. Petitioner also do not accuse the said private parties but presently the grievance is against the police authorities.

Having considered that a specific provision has been incorporated under the BNSS, 2023 under Section 175(4) of the BNSS, I am of the view that the petitioner would approach the jurisdictional Magistrate, the jurisdictional Magistrate would assess and ascertain adhering to the provisions of

the said sub-section and thereafter pass necessary directions as he deems fit and proper.

With the aforesaid observations WPA 14011 of 2025 is disposed of.

Needless to state that since State has not used any affidavit, the accusations made in the writ petition are deemed not to have been admitted. The learned Magistrate, if he considers section 175(4) of the BNSS, would independently consider the said application without being influenced by any observations passed by this Court.

Since the petitioners are presently foisted with the criminal case they would always be at liberty to exhaust the remedies available to them under the law.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

***(Tirthankar Ghosh, J.)***