

Sl.No.

8

06.02.2025

Court

No. 35

G.S.Das

WPA 15696 of 2024

Indrajit Barua

-Vs-

The State of West Bengal & Ors.

Mr. D. N. Chatterjee

Mr. Subhas Chandra Saha

... for the petitioner(s)

Mr. Dipanjan Datta, Sr. Govt. Adv.

Ms. Rupsha Chakraborty

... for the State-respondent(s)

The petitioner is aggrieved by the fact that the police authorities in spite of receiving the complaint refused to act till date. Although, according to the petitioner, a cognizable offence has been made out.

Mr. Datta, learned Senior Government Advocate, appears on behalf of the State and submits that since the factual dispute initiated on the basis of a missing diary in the year 2019 and, subsequently, the petitioner have changed the stand, the police authorities are unable to take a decision whether to proceed for enquiry and/or investigation.

In view of the police authorities not acting till date, the petitioner is granted liberty to approach the jurisdictional Magistrate under Section 175(3) of the BNSS, 2023. The learned Magistrate will assess whether any cognizable offence is made out, and to that effect, the learned Magistrate would, if required, call for a report considering that the incident is five years old. The learned Magistrate, thereafter, would assess whether any case for investigation has been made out and pass necessary order(s)/direction(s) by exercising his/her discretion.

With the aforesaid observations, WPA 15696 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

