

D/L 6
14.08.2025
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ct.no.35

W.P.A.17509 of 2025

**Swapan Das
Versus
The State of West Bengal & Ors.**

Mr. Avijit Ganguly.
...for the petitioner.

Mr. Sunit Kr. Roy
Mrs. Ujani Pal (Samanta).
...for the State-respondents.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the enquiry report
of Additional Superintendent of Police, (Rural),
Krishnanagar Police District which was conducted
pursuant to the directions passed by this Court in
WPA 12403 of 2025. The petitioner's grievance is that
no CCTV footages were relied upon by the superior
police officer to assess regarding the correctness of
the accusations which were leveled against the police
authorities for illegally detaining him and allowing the
private respondents in respect of their construction
work.

State authorities, on the other hand, have
submitted a report relating to T.S.238 of 2022
pending. The enquiry was conducted by the

Additional SP (Rural). It has been claimed in the report that the Additional SP (Rural) along with the Inspector-in-Charge of Nakashipara Police Station visited the petitioner's house and informed him the outcome of the enquiry.

So far as the dispute is concerned, a proceeding has been drawn up under Section 126 of the BNSS. It has also been contended that the CCTV footage contains recording for 35 days after which it is automatically overwritten. Consequently, the CCTV footage could not be relied upon.

Be that as it may, petitioner still is aggrieved by the act and action of the police authorities and the manner in which enquiry has been conducted. Petitioner contends that he has materials to substantiate that he was illegally detained at the police station.

Having considered the present provisions of BNSS incorporating Section 175(4) of the BNSS for initiation of any criminal case so far as the public servant is concerned, I am of the view that the petitioner if so advised, may approach the jurisdictional Magistrate for necessary reliefs. Learned Magistrate would in the circumstances assess and ascertain the genuinity of the allegations and

thereafter pass necessary directions as he deems fit and proper.

With the aforesaid observations, WPA 17509 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)