

12.08.2025
Court No. 35
D/L. No.43
Rakib

W.P.A. 18260 of 2025

Kartick Das
VS
The State of West Bengal & Ors.

Mr. Soumyajit Das Mahapatra
Ms. Tanusree Kar
...for the Petitioner
Mr. Vivekananda Bose
Mr. Aditya Dutta
...for the State.

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

Petitioner has already approached learned A.C.J.M., Barrackpore under Section 175(3) of the BNSS, learned A.C.J.M is yet to pass an order.

It has been submitted by the State that a report has already been submitted but the order is yet to be passed by the learned Magistrate.

Petitioner complains that he has been subjected to harassment, intimidation and inconvenient circumstances by the police authorities, thereby forcing him to withdraw any allegations. To that effect petitioner has already sent a mail to the Commissioner of Police, Barrackpore.

Petitioner has also prayed for preservation of CCTV footages, which the learned advocate for the State submits on instructions that the CCTV footage of the petitioner when he reached Mohanpur Police Station and during the said period has already been preserved.

Having considered the present stage and without entering into the merits of the accusations, I am of the view that since the learned A.C.J.M. Barrackpore is already in seisin of the proceedings under Section 175(3) of the BNSS, I am of the opinion that at this stage this Court will not invoke its jurisdiction under Article 226 of the Constitution of India. Petitioner would be at liberty to approach this Court at the appropriate stage.

With the aforesaid observations WPA 18260 of 2025 is disposed of.

Report submitted by the State be returned to the learned advocate appearing for the State.

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.)