

Sl.No.

16 02.09.2025

Court
No. 35

G.S.Das

WPA 19253 of 2025
With
CAN 1 of 2025

Susmita Das
-Vs-
The State of West Bengal & Ors.

Mr. Amitabha Ghosh
Ms. Arpita Paul Biswas
... for the Petitioner(s)

Mr. Jahar Datta
Mr. Bipin Ghosh
... for the State-respondent (s)

Mr. Prasayan Mukherjee
... for the Added Respondent(s)

Dr. Achin Jana
Mr. Prosenjit Ghosh
Mr. Bhaskar Dalui
Ms. Chetna Rustagi
Ms. Jaysri Dhar
... for the Respondent nos. 5 to 8

CAN 1 of 2025

The applicant in CAN 1 of 2025

has prayed for Addition of Party in the

proceeding.

Leave is granted to the petitioner

to add the applicant as the Added

Respondent No.9.

Accordingly, CAN 1 of 2025 is

Allowed.

WPA 19253 of 2025

The petitioner alleges that she has been thrown out of her residence at the behest of certain club members who are the respondent nos. 5 to 8. To that effect, learned advocate has drawn the attention of the court to the complaints which have been made to the police authorities as also the injury reports.

State has submitted a report which reflects that there was certain hot altercation which took place. Consequent to which, the informant being the petitioner and her driver were treated at SCC Govt. M.C. & Hospital, Uluberia.

Learned advocate for the respondent nos. 5 to 8 draws the attention of the court to the injury report of Sk Masud, which, as stated by the patient, reflects that there were physical and mental harassment, pain at right side of the neck; no definite injury; intoxicated

in the evening by Beer consumption,.

So far as the present petitioner is concerned, it is stated that there were physical assault; injury at the right hand and the abdomen having no injury.

So far as the injury report of the present petitioner is concerned, in serial no.10, it has been stated as '*no definite injury*' on patient's hand and abdomen and the serial no.11 depicts the nature of the injury as '*simple*'.

The report submitted by the State reflects that a case under Section 115(2) of the BNS has already been registered by the Uluberia Police Station - which is a non-cognizable offence, as such, a prayer has been advanced for prosecution before the learned ACJM, Uluberia.

The police report also speaks that in course of the enquiry, the flat members and/or the club members had never restrained the petitioner to enter into the

flat and there are no issues so far as the flat is concerned.

An application has been taken out by Gouri Das - the mother-in-law of Lt. Saikat Das who happens to be the husband (since deceased) of the petitioner, which also includes a civil litigation being TS 156 of 2025 which is pending before the learned Civil Judge (Sr.Divn.), 2nd Court, Uluberia. However, till date, there is no order passed by the said civil court, but, according to the learned advocate for the added respondent, date has been fixed on 6th September, 2025.

Having regard to the police report and the steps taken, I am of the opinion that, at this stage, there is hardly any scope for passing any direction(s) in favour of any of the parties.

Since prosecution has already been drawn up by the police authorities, if the petitioner is aggrieved so far as

the nature of the injury is concerned, she will approach the jurisdictional Magistrate.

So far as the other issues are concerned, the petitioner, if she is faced with any inconveniences, she would approach the police authorities on the basis of the report submitted before this court and the police authorities would take steps in accordance with the law.

Having considered the genesis of the consequence of events which have been taken place, the police authorities would keep a strict vigil as also ensure that there is no violation of any law and order.

With the aforesaid observations, WPA 19253 of 2025 is disposed of.

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

Report so submitted be kept with the record. Copies of the report be handed over to all the parties.

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.)