

22.12.2025
rc/ct.no.26
Item No.16

WPA No. 24059 of 2025
Sohan Bhattacharya
Versus
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Ms. Susmita Das ..for the Petitioner

Mr. N.C.Bihani
Mr. P.B.Bihani ..for the State

Report submitted by the State is taken on record.

The petitioner alleges that a case of road traffic accident has been converted into a case under Section 109 of the BNS. The petitioner was arrested and subsequently granted bail. The petitioner lodged complaint against the police personnel who tortured him in custody and demanded a sum of Rs.1,50,000/- from his mother. The complaint has not been registered.

Learned counsel for the State submits that preliminary enquiry has been held pursuant to the complaint lodged by the petitioner and it was found that no case was made out by the petitioner.

Since the complaint lodged by the petitioner is against a police officer who is a public servant, the petitioner is at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS for redressal of his grievance.

In the meantime, the State is directed to take necessary steps for preservation of the CCTV footages of

the place of occurrence (where the accident occurred) and Patuli Police Station on the relevant date.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)