

27.01.2025
Court No.13
Item No.5
pk

MAT 1660 of 2019
CAN 1 of 2019((Old CAN 11935 of 2019)
CAN 2 of 2019 (Old No. 11936 of 2019)

Satish Singha
Vs.
The State of West Bengal & Ors.

Mr. Mujibar Ali Naskar
Md. Habibur Rahman

.... for the appellant.

Ms. Jhuma Chakraborty,
Mr. Abdus Salam

... for the State.

Re: CAN 2 of 2019 (condonation)

1. CAN 2 of 2019 has been filed seeking condonation of delay of 61 days in filing the instant appeal.
2. Sufficient grounds have been made out in the instant application explaining such delay. Hence, the delay is condoned.
3. According, CAN 2 of 2019 is allowed and disposed of.
4. There will be no order as to costs.

Re: MAT 1660 of 2019

5. The instant appeal is directed against the judgement and order dated 31st July, 2019 passed by the Single Judge of this Court. In the impugned judgement, the Court recorded satisfaction with the steps taken by the Golpokher Police Station against the petitioner's complaint. The Police has taken out proceedings under Sections 107 and 116 (C) of the Code of Criminal Procedure, 1973.

6. The petitioner's grievance is that the private respondent claims title to his land over which a rice and wheat mill is located, have been threatening and intimidated him. The petitioner has also disclosed the single instance where he tried to open the mill in the morning but the private respondents have threatened to assault him with the deadly weapons. The petitioner's mill is lying closed therefrom.

7. The petitioner has lodged a complaint with the Goalpokher Police Station which has not been registered as FIR.

8. It is now well settled as held in the decision of the Supreme Court in the case of **Sakiri Vasu Vs. State of Uttar Pradesh reported in (2008) 2 SCC 409** that the remedy of the petitioner against non registration of FIR against the complaint is to move the competent court under Section 156(3) of the Cr. P. C. which is equivalent of Section 175(3) of the BNSS.

9. Since the petitioner expresses apprehension as regards his life and limb, the Superintendent of Police, Islampur, Uttar Dinajpur shall consider the threat perception of the petitioner and post a police picket at the cost of the petitioner. In the event of any further complaint, the Police shall act in accordance with law.

10. With the aforesaid observations, the instant appeal is disposed of.

11. In view of disposal of the appeal, the connection application being CAN 1 of 2019 is also disposed of.

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

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)