

08.07.2025
Court No. 35
Item No.263
Rakib

W.P.A. 25863 of 2024

Hasina Bibi
VS
The State of West Bengal & Ors.

Mr. Maidul Islam Kayal,
Mr. Noorul Amin Sardar.
... for the Petitioner.
Mr. Jahar Lal De, AGP,
Mr. Shamim Ul Bari.
...for the State.

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

Learned advocate appearing for the petitioner
claims that the petitioner and her husband were
assaulted and her husband was also foisted with several
false criminal cases. To that effect representation was
submitted with the police authorities, however, police
authorities failed to take any action. Consequently, the
petitioner and her husband have been unable to return to
their residence.

Learned advocate for the State has submitted a
report and also contends that there is a family feud
existing. The report so submitted reflects that Kalitala
Ashuti P.S. Case No. 229/22 was registered on the basis
of the information furnished by the present petitioner.
There are counter case also which has been referred to in
the report which was initiated at the behest of the private
respondents. Police authorities have also drawn up
proceedings under Section 126 of the BNSS. But the
Police report also reflect that after the incident referred to

on 26.12.2024 the petitioner along with her family members had left the house.

Having considered that there are cases and counter cases between the petitioner and the private respondents and as Kalitala Ashuti P.S. Case no. 229/22 dated 26.12.2022 is pending before the Jurisdictional Court, petitioner will apply before the Jurisdictional Court if she and her family members are unable to return to their residence. The Jurisdictional Court will call for a Threat Perception Report, assess the ground reality and if the Jurisdictional Court is subjectively satisfied relating to the petitioner returning to the village, in that case the Court would pass orders in accordance with law.

With the aforesaid observations WPA 25863 of 2024 is disposed of.

Report submitted by the State be kept with the record.

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.)