

Sl.No. 10.04.2025
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Court No. 35
G.S.Das

WPA 26493 of 2024

Suvankar Shit
-Vs-
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Pintu Karar
Mr. S. U. Laskar
Mr. Sourav Roy
... for the Petitioner(s)
Mr. Santanu Kumar Mitra, Id. Sr. Govt. Adv.
Mr. Md. A. Zaman
Mr. Sk. Md. Masood
... for the State-respondent(s)

Report submitted by the State be kept with the record.

Learned advocate appearing for the petitioner submits that the petitioner was threatened by a civic volunteer - the respondent no.5 in the writ petition, to the extent that the petitioner has committed theft of gold jewelleryes from Dubai.

Learned advocate for the petitioner further submits that the respondent no.5 being a civic volunteer has been mis-utilising his position as a police by

threatening the petitioner without any foundation and/or basis of law. Moreover, as there is no criminal case pending against the present petitioner, the petitioner is afraid as the respondent no.5 happens to be associated with the police department.

Learned advocate for the State submits that steps are being taken against the civic volunteer concerned and a proceeding have been drawn up under Section 126/135 of the BNSS.

I have considered the submissions of the petitioner as well as the report submitted by the State. It would have been fit and proper for the State to register a case, start an enquiry and/or investigation. As the same was not being done at the relevant point of time, the accusations of the petitioner, on the face of it, cannot be thrown away.

However, the petitioner would be

at liberty to approach the jurisdictional Court under Section 175(3) of the BNSS. The Magistrate would call for a report for ascertaining whether any cognizable offence is made out as also assess whether any case for investigation is made out, thereafter, exercise his/her discretion in accordance with law.

With the aforesaid observations, WPA 26493 of 2024 is disposed of.

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

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.)

