

D/l 31
16.09.2025
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ct.no.35

W.P.A.30278 of 2024

**Lalmohan Bag
Versus
The State of West Bengal & Ors.**

Mr. Ranajit Roy
Mr. Md. Shakeel Khan
Ms. Irina Mullick.
...for the petitioner.

Mr. Dipanjan Datta
Mr. Subrata Mukherjee.
...for the State-respondents.

Learned advocate appearing for the petitioner submits that the private respondents had been attempting to encroach the property of the petitioner and dismantle some of the costly trees including mahogany trees. To that effect, petitioner complains to the police authorities of theft and of resistance being offered when the petitioner was threatened of dire consequences of murdering. Petitioner being a peaceful citizen had no other option except to inform the police authorities.

Report submitted by the State reflects that last of such information was received by the police authorities in the year 2024. Police authorities at the relevant point of time drew up proceedings under Section 126 of the BNSS.

Be that as it may, if the petitioner is aggrieved of any continuous offence being committed at the behest of the private respondents and the police authorities are inactive, in that case, petitioner would approach the jurisdictional Magistrate under the relevant provisions of Section 175(3) of the BNSS. Learned Magistrate will assess and ascertain regarding the genuinity of the allegations and thereafter pass necessary directions as he deems fit and proper.

With the aforesaid observations, WPA 30278 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

All 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 given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)