13.11.2026
Item No.02
Court No.758
MKP

WPA 26795 of 2024

MILAN KUMAR KHUTIA
VS
THE STATE OF WEST BENGAL AND ORS

1. None appears for the petitioner even on the second call.

2. None appeared for the petitioner even on September 30, 2026, when the matter was taken up for consideration. By an order dated September 30, 2026, the matter was adjourned for the ends of justice.

3. In the aforesaid circumstances, this Court is inclined to take up the instant writ petition for consideration on its merits.

4. The grievance of the petitioner is that the officer in charge of Patashpur Police Station has failed and neglected to take steps pursuant to a written complaint information dated 02.10.2024, lodged with the officer-in-charge of Patashpur Police Station. The petitioner therefore, prays that an order in the nature of mandamus to be issued against the said police authorities, directing them to take appropriate steps pursuant to the

complaint lodged by the petitioner and provide adequate police protection to the petitioner.

5. It appears that the police authorities were called upon to file a Status Report and a response to the writ petition. Accordingly, the Inspector of Police, Patashpur Police Station, has filed a report dated 11.11.2024 before this Court. A further report dated 02.12.2024 has been filed with the updated status of the matter.

6. From perusal of the reports filed by the police, it appears that the petitioner lodged a complaint dated 2.10.2024 with the said police station, alleging that one, Kamalesh Maity and Mahadev Das forcefully entered his office chamber at Chistipur, 8/1 Gram Panchayat Patashpur, Block-I, Purba Medinipur, when he was working, and started hurling abuses at him. When the petitioner opposed them, both the alleged persons physically assaulted the petitioner, snatched a gold chain from the possession of the petitioner, and damaged his office.

7. Subsequently, by a written complaint dated 30.11.2024, the petitioner lodged a written complaint with Patashpur Police Station disclosing the aforesaid incident, which led to registration of Patashpur Police Station Case No. 599 of 2024 dated 30.11.2024, under Sections

329(4)/126(2)/115(2)/117(2),303(2),324(4), 351(2) and 3(5) of the BNS 2023.

8. It has been reported that the police have already started investigation into this said case through S.I., Tapan Kumar Ghosh, who has visited the place of occurrence, prepared a rough sketch map, examined the petitioner and several witnesses and recorded statements under Section 180 of the BNSS 2023. The I.O. has also issued notices under Section 94 BNSS 2023 and notices under Section 35(3) BNSS to the F.I.R. named accused persons. The I.O. has also collected the injury report of the complainant and is actively investigating the case.

9. The report further reveals that, subsequently, on 05.10.2024, the petitioner sent a petition to Patashpur Police Station through e-mail regarding the incident. The matter was diarized vide Patashpur P.S. G.D.E No. 226 dated 05.10.2024.

10. According to the police authorities that, after inquiry, it was found that both the alleged persons, namely Kamalesh Maity and Mahadev Das, are desperate in nature. Therefore, to avoid serious breach of peace and maintain peace and tranquility, the police authorities have submitted a prayer for prosecution under Section 126 BNSS

against the said persons. The police further report that they have been observing the area through vigil and shall ensure that no untoward incident takes place in the area.

11. From perusal of the report, it appears that the Police has already registered an FIR and has been investigating this said case. In such view of the matter, no further direction for registration of FIR in respect of the said occurrence is called for. Under The prayer for police protection as prayer for requires separate consideration.

12. Section 193 (1) of the Bharatiya Nagrik Suraksha Sanhita, 2023 requires every investigation under the Sanhita to be completed without unnecessary delay. The Officer-in-Charge of Patashpur Police Station is directed ascertain the present status of the investigation and if the same still remains incomplete, he is directed to expedite the investigation of the case and conclude the same, preferably, within a period of 3 months from the communication of this order. The Petitioner shall be at liberty to approach the jurisdictional magistrate in accordance with law in the event of any reasonable grievance as to the manner in which the investigation is being conducted. Reference in

this regard may be made to *Sakiri Vasu v. State of Uttar Pradesh*, (2008) 2 SCC 409.

13. In the event a closure report is submitted by the IO of the case before the learned magistrate, and the learned magistrate proposes to accept the same and drop the proceedings. The petitioner, being the first informant, shall be afforded notice and an opportunity of being heard. In terms of *Bhagwant Singh v. Commissioner of Police*, (1985) 2 SCC 537.

14. This Court hastens to add that the above directions have been passed only in light of the fact that the investigation into an alleged offence has been pending for a considerable period of time. This Court did not have any occasion to consider or adjudicate upon the merits of the allegations made by the petitioner against the private respondents/accused persons in the case. No part of this order shall be construed as an observation against the accused persons, who shall have all the rights in law to defend themselves in accordance with law.

15. So far as the prayer for police protection made by the petitioner is concerned, the status report submitted by the police reveals that the police have taken appropriate steps. Having regard to the time that has since elapsed, the

officer in charge of the police station shall ascertain whether any threat to the safety of the petitioner subsists and, upon such assessment, take such preventive or protective measures as may be warranted in accordance with law.

16. The Registry is directed to communicate a copy of this order forthwith to the Officer-in-Charge, Patashpur Police Station, Purba Medinipur, for compliance.

17. **WPA 26795 of 2024** is **disposed** of without any orders as to costs.

18. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

(Anuj Singh, J.)