

Party Name : SANKAR DAS Vs STATE OF TRIPURA & 3 ORS.

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. C. S. Sinha, learned counsel appearing for the petitioner as well as Mr. B. Dutta, learned counsel appearing for the respondents.

In view of the order dated 23.11.2015 passed by this court, the hand-writing expert's report from the Tripura State Forensic Science Laboratory, in full compliance of the said order, has been received. This court appreciates the Tripura State Forensic Science Laboratory to have completed their task within such a short time and given a comprehensive report which leaves no room for questioning the process of examination or for obfuscation. Copies were supplied to the petitioner and the respondents. Even after receipt of the report the petitioner preferred not to raise any objection against the said report.

The report has categorically observed that the signature appearing in the resignation letter is the petitioner's signature. Such inference has been drawn up on examination and comparison with the other admitted signatures as referred in the order dated 23.11.2015. As such, there cannot be any doubt that the petitioner had submitted the resignation letter in order to resign from the service, and later on deliberately suppressing those material facts, he has approached this court by filing the present writ petition.

It would appear that the former Commandant of the 1st Bn. of the TSR was called to appear in person before this court to shed light. Mr. Khatrajoy Reang, the then Commandant of the 1st Bn., TSR has categorically stated that after receipt of the said resignation letter he tried to counsel the petitioner not to go by the said resignation letter as he will be in trouble in future so far his employment is concerned. The petitioner defied such advice. In this proceeding, the petitioner has contended that there was no such counselling.

Having regard to this deliberate act of the petitioner, this court was supposed to pass an order on merit but at that juncture Mr. C. S. Sinha, learned counsel who has recently entered in the appearance for the petitioner as after the service of the SFSL report Mr. D. C. Roy and Mr. R. Nandi, learned counsel have retired and returned the brief of the petitioner considering his conduct has urged that the petitioner may be permitted to withdraw the writ petition and no harsh order be passed considering the financial status of the petitioner.

The petitioner is permitted to withdraw the writ petition but no liberty would be given to the petitioner to approach this court on the same subject matter as pressed by Mr. C. S. Sinha, learned counsel. This court expresses its serious displeasure at the conduct of the petitioner. If in future the petitioner acts in the similar manner, stern action would be taken against the petitioner.

This observation has been made for future reference if the petitioner perpetrates in the similar acts. Accordingly, this writ petition stands dismissed as withdrawn.

The report of the hand writing expert be made part of the record for future reference. The records as produced by the respondents are returned to Mr. B. Dutta, learned counsel.