

*Daily List 17 .
Bpg.*

April 7,
2021

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No. 1447 of 2020

**Champa Nandi
Versus
State of West Bengal and others**

Mr. Tapas Dutta,
Mr. Mritunjoy Halder.
...for the petitioner.

Mr. Subhabrata Datta,
Mr. Benazir Ahmed.
...for the State respondents.

Mr. Ratnesh Kumar Rai,
Ms. Falguni Rambhasha.
...for the respondent nos.3, 7 and 8.

The affidavits filed by the Commissioner of Police, Bhubaneswar-Cuttack Commissionerate, Orissa as well as the Superintendent of Police, Jajpur, Orissa, along with the rejoinder thereto filed on behalf of the respondent nos. 3, 7 and 8, be kept on record.

Learned counsel for the petitioner vociferously submits that the Orissa Police is hand-in-gloves with the absconding person namely, Partha Sarathi Biswal, although the said person has been repeatedly evading arrest. It is further submitted by

learned counsel for the petitioner that the police authorities are trying to play tricks on the court by way of giving shelter to the absconding person.

However, the affidavits filed by the respondent nos.3, 7 and 8 clearly reveal that the accused person was initially arrested by the Orissa Police, subsequent to which he obtained bail from the Orissa High Court on November 17, 2020. Thereafter, the accused person failed to comply with the conditions of bail and a non-bailable warrant was issued against him by the concerned Magistrate in Orissa.

The police authorities, in their affidavits, have sufficiently explained the circumstances leading to the failure of the said authorities to produce the said absconder in person before this court. It is clearly pleaded in their affidavits that action has already been taken adequately as a consequence of the absconder jumping bail. Hence, nothing remains to be decided further in the writ petition. Since the matter now falls clearly within the domain of the criminal courts, no interference by the writ court is warranted.

Accordingly, WPA 1447 of 2020 is disposed of by granting the petitioner liberty to approach the concerned Magistrate in Orissa and/or the High

Court of Orissa for ventilating any further grievances which the petitioner may have regarding the efforts of the police authorities of Orissa to arrest the absconder, namely, Partha Sarathi Biswal.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)