

19.07.2021

Ct. No.13

Sl. No.46

pk/akd

W.P.A. 10990 of 2021 [via video conference]

[Gopal Saha & Ors. -Vs- The State of West Bengal & Ors.]

Mr. Himangshu Ghosh

... .. for the petitioners

Mr. Subhabrata Datta

Mr. Sanatan Panja

... .. for the State

Learned counsel for the petitioners submits that they have lodged a complaint with the Officer-in-charge, Kotwali Police Station, Krishnanagar as regards a forged will being propounded by the private respondent nos.9, 10 & 11. It is submitted that there is a probate proceeding instituted by the private respondents before the learned Civil Judge (Senior Division), 1st Court, Nadia being Probate Case No.10 of 2020.

In that view of the matter, since the decision of a criminal court is not binding before a civil court and the decision of the civil court is binding on the criminal court, no order can be made to expedite the investigation in the matter. Issue of genuineness of the will shall be decided in the pending probate proceeding.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)