

25.11.2021
Sl. No.32
sn

W.P.A. No. 15939 of 2021

Debasish Pal
Vs.
The State of West Bengal & Ors.

Mr. Pingal Bhattacharyya
Mr. Subhankar Das ...for the Petitioner.

Mr. Rajarshi Basu ..for the respdts.5&6

Mr. L.M. Mahata
Mr. P.B. Mahata ..for the State

Let the affidavit of service be taken on record.

The petitioner prays for an order directing the Principal Secretary to the Government of West Bengal, Co-operation Department to reconsider the allegations levelled against the Chairman of Bolpur Krishija Bipanan Samabay Samity Limited for recovery of Rs. 20 lakhs which the petitioner had allegedly misappropriated..

Mr. Basu, learned advocate for the respondent nos. 5&6 draws the attention of this Court to an order passed by a Division Bench of this Court under Section 438 of the Code of Criminal Procedure. The court directed that the petitioner will not be arrested in the event the petitioner deposits a sum of Rs.5 lakhs with the Registrar General High Court Calcutta and obtains No Due Certificate from the Co-operation Department upon paying up Rs. 6,00,000 to the Bank. In the event of payment of the entire amount, the security deposit

shall be returned to the petitioner by the learned Registrar General.

According to Mr. Basu and Mr. Mahata, the condition imposed by the Division Bench of this Court has attained finality and the petitioner had accepted the said order and deposited a sum of Rs. 5 lakhs with the learned Registrar General of this Court. It is also submitted that an FIR has been lodged and an investigation is going on. Thus, the Secretary of the Co-operation Department cannot consider reduction of the amount claimed from the petitioner by considering the representation of the petitioner for reduction of the amount payable, which finds mention in the order of the Hon'ble Division Bench.

This writ petition is disposed of without any order.

Liberty is granted to the petitioner to approach the appropriate forum in accordance with law.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)