

18.03.2021
Sl. No.14
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8353 of 2020

Maniruddin Sekh @ Moniruddin Sk.
Vs.
The State of West Bengal & Ors.

Md. Sarwar Jahan,
Mr. Anisur Rahman

....for the petitioner.

Mr. Pantu Deb Roy, AGP,
Mr. Anand Fermania

....for the State.

Affidavit of service filed in Court today is taken on record.

The petitioner alleges that the petitioner's truck after loading raw jute from Assam for being transported to Hooghly reached Salar, Murshidabad near N.H.34 on 7th March, 2020. The driver of the said truck, bearing registration no. WB-57D2820, was instructed by the petitioner to take the same to deliver the goods at Hooghly. The petitioner says that neither the truck nor its driver reached Hooghly. The truck and its driver are missing since then. The petitioner says that though he visited Salar Police Station immediately after coming to know about the incident but the police authorities declined to even register a General Diary Entry (GDE). In the meantime, on 14th March, 2020, the owner of the

goods entrusted to be transported, lodged a complaint with Salar Police Station. Pursuant to such complaint, a police case has been registered and the petitioner has obtained anticipatory bail in connection therewith. The petitioner's main grievance is that the police authorities did not register the petitioner's complaint even as a GDE and as such, alleges inaction on the part of the police.

On behalf of the State it is submitted that the investigation in respect of the police case registered by Salar Police Station, being Case No.58 of 2020 dated 14th March, 2020 at the instance of the owner of the goods is being investigated. The Investigating Officer has made all attempts to find the truck and/or its driver, but has been unsuccessful till now. It is also submitted by the State respondents that the petitioner's case, that is, his truck and the driver are missing, is intrinsically connected with the police case registered by Salar Police Station on 14th March, 2020 and the investigation of two cases independently will interject into the ongoing investigation, which will delay the filing of the report.

It is correct that the petitioner's case of the loss of the vehicle is intrinsically connected with the investigation on the complaint made by the owner of the goods. However, the nature of complaint is not the same. The petitioner's complaint may require

registration under different sections. The persons complained against are also different.

Considering this aspect of the matter, Salar Police Station, District – Murshidabad, West Bengal is directed to register an FIR or a GDE as the case may be upon perusing the complaint made by the petitioner which appears at page 13 of the writ petition. The concerned Police Station is also directed to conduct the investigation as may be deemed fit by it after taking note of the petitioner's complaint in a fair and transparent manner and file the report as expeditiously as possible.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)