

OD-3

ORDER SHEET

WPO/1269/2021

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

PRINCIPAL CHIEF COMMISSIONER OF INCOME TAX, WB & SIKKIM
Versus
STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : December 16, 2021.

[Via video conference]

Appearance:

Mr. Y.J. Dastoor,
Learned Additional Solicitor General,
Mr. P.K. Bhowmik, Adv.
Mr. Asok Bhowmik, Adv.
For the petitioner.

Mr. Amitesh Banerjee, Sr. Adv.
Learned Senior Standing Counsel.
Mr. Soumitra Mukherjee, Adv.
For the State.

The Court:- The Principal Chief Commissioner of Income Tax has filed this writ petition against the State seeking certain documents seized by the Anti Fraud Section of the Detective Department on 23rd September, 2021 under P.S. Case C/No. 190 of 2017 dated 5th May, 2017.

The said documents are stated to be required by the Income Tax Department, for the purpose of departmental proceedings against one Mr. Neeraj Singh.

The petitioner had applied before the learned 4th Special Judge, Kolkata for copies of the said documents, but the Court below refused to supply the same until the charge-sheet is filed.

Counsel for the State has raised objection. It is submitted that the real purpose of seeking the documents today is to prejudice the criminal proceedings. It is further argued that disclosure of the documents would prejudice the investigation itself.

It appears from the record that by an order dated 28th October, 2021, the Division Bench of the Bombay High Court in W.P. No. 9307 of 2019 Neeraj Singh -Versus- Union of India & Ors., has directed that the departmental proceedings against the said Neeraj Singh would have to be completed on or before end of February 2022.

This Court notes that the documents are indeed necessary for the proceedings initiated by the Income Tax Department against its employee.

In that view of the matter and keeping the concern of the State in mind, this Court directs the writ petitioner to supply the list of such documents within seven days from date.

Upon receipt of such list, the Officer-in-Charge, Anti-Fraud Section, Detective Department, Kolkata Police shall make available copies of the same duly countersigned by him within a period of ten days thereafter.

With the aforesaid directions the writ petition is disposed of without any order as to costs.

(RAJASEKHAR MANTHA, J.)

snn.