

10.06.2022

Court No.32
rpan/10

FMA 891 of 2021

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IA No.: CAN 1 of 2018 (Old No.: CAN 320 of 2018)

Nazrul Islam

- Versus -

State of West Bengal & Others

Mr. Sabir Ahmed,
Ms. Ameena Kabir
... for the Appellant.

The present appeal has been preferred against an order dated 8th November, 2017 passed in W. P. No. 26649 (W) of 2017.

Mr. Ahmed, learned advocate appearing for the appellant submits that the appellant is an M. R. Dealer. As per allotment order issued by the competent authority, he was supplied 92 quintals and 16 Kilograms of wheat. The same was stored in his godown. As there was a dispute between the Pradhan of the concerned gram panchayat and the Block Development Officer, he did not receive any instruction towards distribution of the goods. There was, thus, no fault on the part of the appellant but still he was falsely implicated in a proceeding initiated on the basis of the complaint lodged by the concerned Block Development Officer.

He further submits that the authorities did not even inspect the concerned godown and completed the investigation in a slipshod manner and submitted the

chargesheet. The writ petition was dismissed without considering the fact that the godown was not inspected by the authorities prior to conclusion of investigation.

He prays for issuance of necessary directions upon the State authorities to inspect the appellant's godown and to file a report before this Court.

It appears that the complaint as lodged against the appellant was registered as Hariharpara Police Station Case No.39 of 2016 dated 3rd February, 2016 under Sections 420/467/486/471/379 of the Indian Penal Code. Upon completion of investigation chargesheet has already been filed in the said proceeding.

It is well-settled that the writ court cannot conduct any roving enquiry. The competent authority investigated the case and submitted the chargesheet. The trial is in progress. The order impugned, in our opinion, does not suffer from any infirmity and as such, no interference is called for in the present appeal.

Accordingly, the appeal, being FMA 891 of 2021 and the connected application, being IA No.: CAN 1 of 2018 (Old No.: CAN 320 of 2018) are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)

