

02.05.2022
Court No.13
Item No.25
AP

WPA 2995 of 2022

**Prabir Ghosh and Ors.
Vs.
The State of West Bengal and Ors.**

Mr. A.K. Biswas
Mr. A. Singh
Ms. Jyotsna Roy Mukherjee
Ms. J. Agarwal

... For the Petitioners.

Mr. Jishnu Chowdhury
Ms. Amrita Panja Moulick

... For the State.

Affidavit of service filed in Court today be kept
with the record.

Leave is granted to the petitioners to file
supplementary affidavit.

The petitioners are aggrieved that Chapra Police
Station has registered FIR No.571 of 2021 dated 29th
December 2021, only under Sections 447/427/506/34
of the IPC. It is submitted that the private respondents
and seventeen others had deliberately and willfully cut
down bamboo trees from the petitioners' land and have
appropriated the same for their own use. The
respondents have also been threatened along with
arms and intimidated.

Counsel for the State submits that the
investigation to the FIR is continuing and that if further
sections are found applicable, the same shall be
included in the charge sheet.

This Court cannot brush aside the allegation of the petitioners that the FIR has been registered under lighter sections, which would be beneficial to the private respondents.

The FIR should have definitely reflected commission of offences under Sections 379/395/397 of the IPC. The said sections shall be added and included in the said FIR.

The Additional Superintendent of Police, Krishnagar shall take note of the above and monitor the investigation. The Additional Superintendent of Police, Krishnagar shall also be entitled to change the investigating officer and must take a suitable decision thereon immediately upon receipt of a copy of this order. For the aforesaid purpose the case diary may be called and scrutinized. It is expected that the final report should be submitted before the concerned judicial magistrate with a copy to the writ petitioner within a period of three weeks from date mandatory and positively.

Counsel for the petitioners submits that one Mr. Alibaddi Harkara might have been the king pin behind the entire operation of theft of bamboo from its grove. A statement to this effect has been made in the supplementary affidavit filed in the Court. The same shall be taken into consideration by the investigating

officer and or the Additional Superintendent of Police as directed above.

Report dated 24th February 2022 along with annexures issued by the Inspector-in-Charge, Chapra Police Station filed before this Court is taken on record.

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

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)