

S/L 145
06.06.2022
Court. No. 19
GB

WPA 6185 of 2022

Dilip Chowdhury & Anr.
VS
The State of West Bengal & Ors.

*Mr. Bikash Ranjan Bhattacharyya,
Mr. Dibyendu Chatterjee,
Mr. Pritam Majumdar,
Ms. Piyali Paul.*

...for the Petitioners.

*Sk. Md. Galib,
Mr. Gourav Das.*

...for the State.

*Mr. Biswaroop Bhattacharya,
Ms. M. Ghosh.*

...for the Respondent No.10.

The report prepared by the Deputy Commissioner of Police, New Town Division, Bidhannagar Police Commissionerate as forwarded to the Bidhannagar Police Commissionarte dated April 4, 2022 is placed in a sealed cover. The report has been perused by this Court. From the report it appears that the allegations of the petitioner with regard to forceful use of the petitioner's car and non-refund of the money, post-demonetisations have been proved to be false.

The Deputy Commissioner of Police, New Town Division has come to a conclusion that the allegations of the petitioner, Dilip Chowdhury against Paresh Ch. Ray with regard to the use of the car and the non-payment of Rs.57,00,000/- post-demonetisations could not be proved.

It further appears that the brother-in-law of the respondent no.10 also had dealing with the petitioner. The

brother-in-law of the respondent no.10 had paid Rs.32,00,000/- to the petitioner, to buy a car. Thus, although, the Deputy Commissioner of Police, New Town Division was of the opinion that the complaint of Dilip Chowdhury against the respondent no.10 could not be proved, yet the report sufficiently indicates that there was some monetary transaction between the respondent no.10, his relatives and the petitioner.

Mr. Galib, learned advocate appearing on behalf of the State respondents emphasized that the petitioner has criminal antecedents. The petitioner was wanted in respect of many cases. Investigations had been undertaken. Charge-sheets had been filed. He further submits that some warrants of arrests are yet to be executed against the petitioner.

The Deputy Commissioner of Police, New Town Division has also filed a further report dated May 9, 2022, indicating that unnecessary harassment by police officers in plain clothes shall not be caused to the petitioner and the authority will ensure the same.

The writ petition has been filed challenging overt act of the respondent no.10 and his associates. Prayers have been made for a direction restraining the respondent no.10 and other police authorities from harassing the petitioner and from demanding money.

Records reveal that the petitioner has criminal antecedents. Criminal investigations are pending. Some have been concluded. Two warrants of arrests are yet to be executed against the petitioner.

During such time, the petitioner approached the Court for necessary orders seeking protection from the respondent no.10 and other police personnel who allegedly were harassing the petitioner.

On an earlier occasion, another writ petition was disposed of by this Court with a direction upon the Deputy Commissioner of Police to conclude the enquiry which had been undertaken pursuant to the complaints of harassment lodged by the petitioner against the respondent no.10. Thereafter, the enquiry was concluded and the report was sent to the Commissioner of Police. Such report has been filed today. The petitioner and the respondent no.10 were heard. The commissioner of police is yet to take a decision or pass necessary orders pursuant to the enquiry report.

Mr. Biswarup Bhattacharya, learned Advocate for the respondent no.10 submits that as the allegations have been proven to be false, the writ petition must be dismissed.

However, the Court finds that although the allegations of the petitioner against the respondent no.10 has failed, some kind of transaction between a relative of the respondent no.10 and the petitioner had taken place, which was also within the knowledge of the respondent no.10.

Under such circumstances, the writ petition is disposed of with a direction upon the Commissioner of Police, Bidhannagar Commissionerate to consider the report filed by the Deputy Commissioner of Police and take a decision on the facts disclosed therein by applying his independent mind. The Commissioner of Police will fix the

date for hearing. Both the parties and other persons whose names appear in the report, will be heard. A specific finding must be arrived at as to whether there were prior dealings between the petitioner and the respondent no.10, which had resulted in certain financial transactions and animosity between the petitioner and the respondent no.10, grew when the dealings failed. The court finds it strange that an Assistant Commissioner of Police could have some sort of familiarity with a person having criminal antecedent.

A reasoned decision shall be passed by the Commissioner of Police expeditiously and if it appears to the proper authority that the respondent no.10 had acted in a manner which was unbecoming of a police officer of such rank and stature, appropriate steps shall be taken in accordance with law.

This order is only restricted to the allegation of the petitioner against the respondent no.10, the demand for money and the alleged harassment etc. All the criminal cases, which are pending against the petitioner shall proceed independently. The petitioner shall face trial accordingly. The investigating agency may proceed in a free and fair manner in case of the pending investigations.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)