S/L 5
16.08.2022
Court. No. 19
GB

WPA 9053 of 2022

Ranjit Mondal
VS
The State of West Bengal & Ors.

Mr. Abdur Rakib,
Mr. Kunal Ganguly,
Mr. Biswajit Sarkar.
... for the Petitioner.
Mr. Suman Sengupta,
Mr. Saikat Chatterjee.
... for the State.
Mr. Soumajit Das Mahapatra.
... for the Respondent Nos.5 & 6.

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

The petitioner alleges that the respondent no.5, who was the Pradhan at the time of commission of the alleged offence, had siphoned off the money payable to the petitioner under the PMAY Scheme, to her husband's account. The respondent no.6 is the husband. It is the contention of the petitioner that despite a specific case having been registered vide Kaliachak Police Station Case No.238 of 2022 dated March 1, 2022 under Sections 406/409/420/417/120B/34 of the Indian Penal Code, the Officer-in-Charge, Kaliachak Police Station, did not take any steps in furtherance of the investigation. It is stated that the respondent nos.5 and 6, who were the principal accused, are roaming around scot free, although there are charges of corruption. The respondent No. 5 is a public servant.

The learned advocate appearing on behalf of the respondent nos.5 and 6 submits that as the petitioner and the respondent no.6 have the same name, the money was transferred to the account of the respondent No. 6, by mistake. Thereafter, on realisation of such mistake, the money was retransferred to the original beneficiary, namely the petitioner.

The police authorities have already registered an FIR and the investigation is in progress. The place of occurrence was visited, the statement of witnesses under Section 161 of the Code of Criminal Procedure was recorded, documents had been collected. The transactions were identified by the police authorities from the documents, supplied by the Block Development Officer, Kaliachak-III Development Block. It appears that on January 31, 2022, the Block Development Officer, Kaliachak-III Development Block informed the manager of Bangiya Gramin Vikash Bank, Sahabajpur Branch, Malda, asking the bank manager to transfer the amount sent to the account of the respondent no.6 to the account of the petitioner, who was recognized as the actual beneficiary under the scheme. The bank manager confirmed that the first instalment of Rs.60,000/- had been transferred to the account of the petitioner, maintained with the Central Bank of India, bearing Account No.3910451834.

Whether the respondent nos.5 and 6 had acted bona fide or with the criminal intention to cheat the petitioner and misappropriate the money, are matters of investigation. It is within the domain of the investigating agency to conclude the investigation in a free, fair and impartial manner. It is directed that the police authorities shall conclude the investigation expeditiously because serious charges have been made against a public servant. Whether the Block Development Officer was supplied the incorrect account number of her husband by the respondent No. 5, in place of the petitioner's number must be probed. Such investigation shall be concluded in accordance with law.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)