

08.08.2022
Sl.No.7(SL)
srm

W.P.A. No. 9560 of 2022

Ninder Singh

Versus

The State of West Bengal & Ors.

Mr. Koushik Dey,
Mr. Rajarshi Basu

... for the Petitioner.

Mr. Soumitra Mukherjee,
Mr. Avishek Prasad

...for the State-respondents.

The petitioner alleges that the Officer-in-Charge, Andal Police Station, has failed and neglected to grant protection to the life and property of the petitioner. The allegation is that the petitioner had hired a dumper for transportation of steam coal on behalf of the Eastern Coalfields Limited (ECL). The petitioner alleges that the dumper had gone missing. A complaint was lodged before the General Manager, ECL, Kenda Area, and also the Officer-in-Charge, Banbahal Police Station. The petitioner submits that the dumper was recovered in a different route and thereafter the police authorities initiated an FIR and registered a case. The petitioner prays for police protection. It is submitted that the ECL had also issued a show cause to the petitioner on certain allegations, to which the petitioner replied. The petitioner

alleges that the police authorities were unnecessarily harassing the petitioner.

The police authorities have filed a report in the form of an instruction, which is taken on record. It appears that on March 27, 2022, one written complaint was filed by SI/Exe Vijay Kumar, CISF No.120204647, to the effect that he had received an intelligence input from a reliable source that the dumper was carrying steam coal illegally, and was moving from Sankarpur OCP to Bahula Railway Siding. After receiving the information, the CISF authority and the ECL security guards along with police personnel of Punjabi More Phari chased the dumper and stopped it near Bhullar Hotel, but the miscreants managed to flee away. The dumper was searched and it was found that the said dumper was carrying 20 MT of steam coal. The goods were seized and all formalities were maintained and handed over to Punjami More Phari. On such complaint, Raniganj Police Station Case No.183 of 2022 dated March 27, 2022 under Sections 379/411/413/414/120B of the Indian Penal Code read with Section 30(II) of the Coal Mines Nationalisation Act was registered and investigation is going on. During investigation, one Uttam Bouri surrendered at the police station on March 29, 2022. On interrogation, it was revealed that he was a driver of the

dumper. The accused was forwarded to the learned Chief Judicial Magistrate, Asansol and he was remanded to police custody for five days. The details of the dumper were collected and it revealed that the same belonged to one Dipak Kumar Das. The said Dipak Kumar Das is absconding. From the statement of the arrested accused, the writ petitioner's name transpired and the investigating authority is also probing into the angle of the involvement of the petitioner in the alleged offence. The petitioner is absconding. A raid was conducted on April 5, 2022 at the residence of the petitioner, but the petitioner was not found.

Under such circumstances, the writ petition is not maintainable. The investigation will continue in accordance with law.

If the prayer of the petitioner for police protection is granted, the same would amount to an indirect protection of the petitioner from the ongoing investigation. The petitioner has other legal remedies.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)