

S/L 128(ML)
15.07.2022
Court. No. 19
GB

WPA 11707 of 2022

Sish Mohammad
VS
The State of West Bengal & Ors.

*Mr. Amit Roy,
Mr. Abhijit Mandal.*

...for the Petitioner.

*Mr. Debasish Ghosh,
Ms. Piyali Sengupta,
Mr. Debraj Sahu.*

...for the State.

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

The police authorities have not completed the investigation arising out of Chakulia PS Case No.273 of 2021 dated September 19, 2021 under Section 379 of the Indian Penal Code. The allegation against one Marful Ali as made by the petitioner, could not be substantiated. The police authorities filed a report before the Sub-Divisional Judicial Magistrate indicating that the allegation against Marful Ali was not correct. The tractor, which was seen in the house of Marful Ali belonged to him. The chassis number and the engine number of the said tractor was different from the one, which was allegedly stolen from the custody of the petitioner.

The FIR had been registered against an unknown person. The police authorities must ensure that the said investigation is completed in a proper manner. The allegation against Marful Ali may have been proved to be incorrect, but the investigating agency must take steps with regard to the complaint of theft of the tractor. The chassis

and engine number had been informed to the police authorities and the FIR records such details. The FIR was registered against unknown person and such investigation must be proceeded with and completed expeditiously.

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.)