

S/L 140(ML)
19.07.2022
Court. No. 19
GB

WPA 11854 of 2022

Smt. Kamala Manna & Ors.
VS
The State of West Bengal & Ors.

*Mr. Lal Mohan Basu,
Mr. A. Sengupta.*

...for the Petitioners.

*Sk. Md. Galib,
Mr. Subhra Nag.*

...for the State.

*Mr. Prasenjit Burman,
Mr. Chitrak Biswas.*

...for the Respondent No.8.

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

The petitioners allege delay in the investigation. It is further submitted that the investigation has not been concluded in a free and fair manner.

The police authorities have filed a report, from which it appears that on receipt of the complaint filed by the petitioners, Panchla P.S. Case No.46 of 2021 dated February 12, 2021 under Sections 417/419/420/423/465/466/468/470/471/472/474/34 of the Indian Penal Code, had been started.

During investigation, necessary steps were taken for recording the statements of the witnesses under Section 161 of the Code of Criminal Procedure. The place of occurrence was inspected. Rough sketch map was prepared. Documents were collected from the authorities. The respondent no.7 was arrested. The respondent no.8 is absconding and the respondent no.9 was granted anticipatory bail. Notice under

Section 91 and 160 of the Code of Criminal Procedure was served upon the petitioners with a direction to produce the original records of the land, heirship certificate, death certificate, etc. The petitioners did not cooperate with the investigation.

It is further recorded in the report that due to non-cooperation of the petitioners, the police authorities could not take further steps. The police are hopeful that after the arrest of one Tapas Manna and on the information gathered during his interrogation, the case shall be resolved shortly. It also appears that a title suit is pending before the learned Civil Judge (Senior Division) at Howrah being Title Suit No.63 of 2021. The police report is taken on record.

Under such circumstances, this Court is of the view that the petitioners must cooperate with the investigating agency and supply all the documents that may be required in aid of the investigation. The petitioners shall also supply the certified copy of the alleged deed of sale. On receipt of the said documents, the investigation shall be proceeded with expeditiously and concluded in a free, fair and impartial manner.

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.)