

18.01.2022
Court No.13
Item No.2
AP

WPA 13260 of 2021

Anarul Islam Mondal

Vs.

The State of West Bengal and Ors.

(Through Video Conference)

Mr. Saurabh Guhathakurata
Mr. Sourav Sardar
Ms. Rituparna Ghosh

... For the Petitioner.

Mr. Amitesh Banerjee, Senior Advocate
Ms. Ipsita Banerjee

... For the State.

Mr. Sudipto Maitra, Senior Advocate
Mr. Vijay Verma
Mr. Dwaipayan Biswas

... For the Added Respondents.

The writ petitioner is aggrieved by the investigation commenced in respect of an FIR being Domkal Police Station Case No.54/2020 dated 2nd February 2020 under Sections 420 and 406 of the Indian Penal Code.

Learned counsel for the writ petitioner submits that the writ petitioner has lost faith in the investigating authorities since Central Government Employees are involved and provisions of the Prevention of Corruption Act have not been included.

Learned counsel for the State submits that the charge sheet in respect of the FIR has already been filed being Domkal Police Station Charge Sheet No.200/2020 dated 30th April 2020 under Sections 420 and 406 of the Indian Penal Code.

Let a copy of the aforesaid charge sheet be made available to the writ petitioner.

The writ petitioner shall be at liberty to take out appropriate application challenging the charge sheet and the investigation carried out by the police before the Magistrate under the provisions of the Code of Criminal Procedure.

This Court is also of the view that the accused represented by Mr. Maitra has no right of audience at this stage of instant proceedings.

Learned counsel for the writ petitioner in support of his prayer for change of investigating agency relies upon the decisions of the Supreme Court in the case of ***Dharam Pal Vs. State of Haryana and Ors.*** reported in ***(2016) 4 SCC 160***, ***E. Sivakumar Vs. Union of India and Ors.*** reported in ***(2018) 7 SCC 365***, ***Neetu Kumar Nagaich Vs. State of Rajasthan and Ors.*** reported in ***(2020) 16 SCC 777***.

This Court is of the view that the facts and circumstances under which an investigation can be interfered with and transferred to a third agency, are not satisfied in the instant case and it is too premature to consider the prayers made by the writ petitioner in this regard.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)