

21.02.2022
Item No.60
Crt. No.11.
KB

WPA 11690 of 2019
Radha Kanta Mondal
-Vs-
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Amit Baran Dash
... For the petitioner.

Mr. Raja Saha
Mr. A. K. Ghosh
... For the State-respondents.

Mr. Prasenjit Mukherjee
Mr. Saptarshi Chakraborty
Ms. Poulami Dutta
Ms. Tiya Ghosh
... For the Respondent No.8.

The petitioner had made a complaint to the police authority regarding stolen of tractor bearing No. WB-53-A-81. In spite of receipt of the complaint, the police authorities have not taken any steps. Accordingly, the petitioner has made an application before the concerned Ld. Additional Chief Judicial Magistrate, Rampurhat under Section 156(3) of Cr.P.C. for a direction upon the concerned police authority for registration of F.I.R and investigation.

On receipt of the application filed by the petitioner, the Learned Magistrate had directed the concerned Police Station for registration of F.I.R. and to

cause investigation. As per the direction passed by the Learned Magistrate, Nalhati Police Station registered an F.I.R. bearing No.416 of 2018 dated 14.10.2018 under Section 379 I.P.C.

The grievance of the petitioner in the instant writ application is that though the police has registered an F.I.R., but is not investigating the case properly and till date the tractor has not yet recovered.

The petitioner has prayed for a direction upon the police authority for proper investigation.

This Court finds that as per the order passed by the Learned Magistrate, the police registered an F.I.R. As per the affidavit-in-opposition filed by the Private Respondent, the police is investigating into the matter.

As the matter is in seisin before the Learned Magistrate and as such it would not be proper to pass any order for any further investigation by the police and thus no order can be passed in the instant writ application.

However, the petitioner is at liberty if the petitioner is having any grievance regarding investigation, the petitioner can approach the Learned Magistrate for appropriate order.

WPA 11690 of 2019 is thus disposed of.

All parties to act in terms of a copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Krishna Rao, J.)