

17.8.2022
Sl.No.131
sn

WPA 14384 of 2022

**The Olive Academy, represented by its secretary
Isha Md. Chowdhury
Versus
The State of West Bengal & Ors.**

**Mr. Robiul Islam
Ms. Pramita Banerjee
Mr. Raju Mondal ...for the petitioner**

**Mr. Debasish Ghosh
Mr. Domingo Ghosh
 ..for the State**

**Mr. Soumya Majumder
Mr. A. Sengupta
 ..for the respdts.7&8**

The petitioner alleges that one Gourkishor Banerjee, Sub-Inspector of Raghunathganj Police Station has continuously harassed the petitioner. According to the petitioner, the Superintendent of Police, Jangipur Police District was approached by the petitioner with such allegations, but the Superintendent of Police did not pay any heed to such allegations against the said police personnel.

Learned advocate for the respondent nos. 7&8 submits that the petitioner, Isha Md. Chowdhury did not have any authority to file the writ petition on behalf of the academy. The petitioner was no longer the Secretary of the institution and the resolution which has been relied upon by the petitioner in support of his position, was forged and fabricated.

The signatures of the respondent nos.7&8 had been forged.

Mr. Ghosh, learned advocate for the State respondents submits that the Inspector-in-Charge of Raghunathganj Police Station received a complaint from one Minhajuddin, against some persons including the petitioner. The allegations were that the e-mail address of Minhajuddin was used for official communication of the institution. Passwords had been changed and unapproved mails were sent to various persons including the students and others. The said persons had unlawfully gained several lakhs of rupees by using the digital platform. The correct official website of the academy was not displayed. One Jororul had falsely represented himself as the Chairman of the academy with the help of the accused nos. 2&3. There are allegations of forgery and fraudulent dealing with the money received unauthorisedly from various students etc. Over such complaint, Raghunathganj Police Station Case no.218 of 2022 was registered against the petitioner. Gourkishore Banerjee was assigned the investigation. Notices were served upon the petitioner under Section 91 and 160 of the Code of Criminal Procedure. The petitioner did not respond to such notices.

In the course of investigation, statements of several witnesses were recorded including the Board members. Thereafter, the petitioner visited the police station and prayed for time to submit necessary documents. On July 6, 2022, Isha Md. Chowdhury was arrested and the prayer for bail was rejected. Thereafter, the petitioner Isha Md. Chowdhury was released on bail on August 4, 2022. The Inspector-in-Charge, Raghunathganj Police Station made an enquiry on the basis of the complaint lodged by the petitioner against Gourkishor Banerjee. The enquiry did not reveal that the allegations of harassment and claim of bribe by Gourkishor Banerjee, were correct. The statements of the Board members of the B-Ed College were recorded. They intimated the police authorities that all the members including the FIR named persons were before the Inspector-in-Charge, Raghunathganj Police Station. They also declared in their official letter heads about the false allegations, against the investigating officer. It appears that the Inspector-in-Charge, Raghunathganj Police Station found the allegations against Gourkishor Banerjee to be baseless. However, as the petitioner has approached the Superintendent of Police, with regard to the allegations against Gourkishore Banerjee, this Court is of the view that the Superintendent of Police, himself, must consider the

representation of the petitioner dated June 28, 2022. A decision shall be arrived at and communicated to the petitioner.

The pending investigation shall be reached to its logical conclusion, by the investigating officer, in accordance with law and this order shall not in any way hamper the ongoing investigation. This order shall not be construed as an opinion of the Court with regard to the conduct of Sub-Inspector Gourkishor Banerjee.

The fact that the petitioner has filed the writ petition as the Secretary of the academy, shall not be construed as an acceptance of the Court about the petitioner's position as a Secretary of the said academy as there is a dispute in this regard.

As no affidavit in opposition has been called for, the allegations against the respondent nos.7&8 are deemed to have been denied.

The writ petition is 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.)