

08.07.22
Sl-07
Ct.32
(S.R.)

FMA 1016 of 2021
with
IA No: CAN 1 of 2018 (Old No: CAN 7767 of 2018)
Basudev Mondal & Anr.
v.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Arghya Kamal Das
Mrs. Tiyaasha Ghosh ... for the appellants.

Mr. Debabrata Chatterjee. Ld. APP
Mr. Simanta Kabir ... for the State.

Affidavit of service filed by the appellants be kept on record.

The present appeal has been preferred challenging an order dated 2nd August, 2018 passed by the learned Single Judge in W.P. No.3541 (W) of 2018.

Mr. Mukherjee, learned advocate appearing for the appellants/writ petitioners submits that without considering the arguments, as advanced on behalf of the appellants herein, the learned Single Judge abruptly disposed of the writ petition.

He further submits that the police authorities have miserably failed to discharge their statutory obligations and the appellants had been the worst sufferers. The investigation in Suri Police Station Case No.137/17 dated 25th April, 2017 had been unnecessarily delayed.

When the matter was last taken up for hearing on 23rd June, 2022, this Court directed the investigating officer to file a report in the form of an affidavit as regards

the status of investigation.

Mr. Chatterjee, learned advocate appearing for the State has filed a report of the investigating officer. Let the same be kept on record. A copy of the same has been handed over to Mr. Mukherjee in Court today.

According to Mr. Chatterjee, the dispute between the appellants and the private respondents is civil in nature. The appellants have already filed a title suit for cancellation of a deed and the same is still pending.

He submits that a prayer was made before the competent Court for extension of time to complete investigation and such prayer was allowed with a direction to complete such investigation within three months. The investigation has presently been concluded and a final report has been submitted on 4th July, 2022.

The writ petition was disposed of observing that that pendency of civil proceedings cannot be a reason for non-submission of charge sheet and the investigating officer was directed to complete the investigation. Presently, upon completion of such investigation final report has already been filed.

In view thereof, no interference is called for in the present appeal.

However, the writ petitioners/appellants would be at liberty to take appropriate steps before the competent forum.

The appeal and the connected application are, accordingly, disposed of.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)