

20th September,
2022
(AK)
01

W.P.A 21890 of 2022

Biswajit Mitra
Vs.
The State of West Bengal and others

Mr. Aranya Saha
Mr. Supriyo Dutta
...for the petitioner.

Mr. Nilotpal Chatterjee
Mr. Amrita Lal Chatterjee
...for the State.

The petitioner contends that one Shyam Lal Yadav, posing to be a medical practitioner, has been engaged in medical practice for quite some time now.

It is contended that the said person is not a qualified doctor at all, rather he studied but could not cross the hurdle of Class-VII.

Despite a complaint having been lodged in that regard on September 16, 2022, it is alleged that the Entally Police Station is not taking any steps thereon.

On the other hand, it is alleged that the police have been informing the accused person as soon as a complaint is lodged.

Learned counsel appearing for the respondent authorities refutes such allegations. It is submitted that the complaint-in-question, although dated September 16, 2022, was received by the Police Station only on

September 19, 2022. Without giving any opportunity to the police to act on the same, the petitioner filed the writ petition on the very next date, that is, on September 20, 2022.

Upon hearing learned counsel for the parties, since the allegations against the Entally police are not found to be substantiated beyond reasonable doubt, there cannot be any apprehension at the present moment to justify the shifting of the connected investigation, when the same is commenced, to some other Police Station than Entally.

However, since a complaint has been lodged by the writ petitioner alleging a cognizable offence against the said Shyam Lal Yadav, as annexed at page-25 of the writ petition, it is the prerogative of the Entally police to register a First Information Report on the same and immediately commence investigation thereon, particularly in view of the serious nature of the allegation made.

Accordingly, WPA 21890 of 2022 is disposed of by directing the respondent no.4, that is, the Officer-in-Charge of the Entally Police Station to ensure that a formal FIR is registered on the basis of the complaint lodged by the writ petitioner (Annexure-P4 at page-25 of the writ petition) by tomorrow, that is, September 21, 2022 and to commence investigation thereon immediately thereafter.

It is expected that the respondent no.4 shall also ensure that the investigation in regard to the complaint is expedited.

The parties shall act on the written communication of the learned Advocate for the petitioner, coupled with a server copy of this order, without insisting upon prior production of a certified copy.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)