

29.09.2022
Court No.13
Item No.12
AP

WPA 21927 of 2022

**Firoja Health Care Trust
Vs.
The State of West Bengal & Ors.**

Mr. Kishore Dutta
Md. Sabir Ahmed
Mr. Swagata Biswas
Mr. Md. Abdur Rakib

... For the Petitioner.

Mr. Amal Kumar Sen
Mr. Lalmohan Basu

... For the State.

Mr. Amal Kumar Sen, learned senior counsel appearing for the State has produced a report in the form of his instructions dated 29th September 2022 issued by the Inspector of Police, Murshidabad DD, CID West Bengal and the same is taken on record.

It appears from the report that Raghunathganj Police Station Case No.731/19 dated 24th November 2019 under Sections 406/420/120B/34 of the Indian Penal Code and the provisions of the Prevention of Cruelty to the Animals Act, 1960, had resulted in a charge sheet.

Further investigation has revealed that three persons namely Md. Jahangir Alam, Md. Mehadi Hasan and Md. Humayun Kabir sons of Mohammad Hasibur Rahaman were involved in the case of about 1200 missing cattle out of 1700 that was seized by the BSF on

19th November 2019. The cattle are stated to have been smuggled out of the country.

Mr. Sen submits that repeated attempts to contact the said persons for the purpose of investigation have resulted in a naught. The order of freezing of accounts is necessary as the proceeds of the smuggled cattle sale might have been routed through the Nursing Home.

The said Md. Mehadi Hasan is one of the trustees as well as settler as stated in the paragraph 1 of the writ petition.

Mr. Dutta has indicated that his clients are outside the country and are unlikely to return to India. It is, therefore, clear that the trustees have not cooperated in the investigation. The order of freezing of the bank account of the petitioner and its assets is therefore necessary.

This Court is of the view that the writ petition is not maintainable in the present form. Mr. Kishore Dutta, learned senior counsel, fairly admits the same and seeks leave to withdraw the writ petition and file afresh on the self-same cause.

The interim order dated 20th September 2022, therefore, shall stand vacated.

The writ petition shall stand dismissed as withdrawn. Liberty is reserved to the petitioner to apply afresh on the self-same cause if so advised.

(Rajasekhar Mantha, J.)