

9
20.12.2022
ssi

Ct 39

WPA 25223 of 2022

Giridhari Jana
-vs-
The State of West Bengal & ors.

Mr. Bhudeb Chatterjee
Mr. Mridul Kanti Sasmal
...for the petitioner
Mr. Supratic Roy
Ms. Sneha Dutta
..for the respondent nos. 10,11
Mr. Amal Kr. Sen
Mr. J. Das
...for the State
Mr. Soumik Ganguli
Mr. Sourat Nandy
...for respondent nos. 8, 9

This is an application under Article 226 of the Constitution of India praying for direction upon the respondents, especially upon the respondent nos. 2 to 7 to initiate a criminal proceeding on the basis of complaints dated 02.11.2022 and on 05.11.2022 and upon the Officer in Charge of Nandakumar Police Station to take appropriate steps in this regard.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the former Secretary of

the Kumarchak Samabay Krishi Unnayan Samabay Samity Limited for the period 28.12.2017 to 07.08.2021. He was purportedly made a witness in respect of Nandakumar Police Station Case No. 163 of 2022 dated 04.05.2022 under Sections 409 and 420 of the Indian Penal Code. A notice was given to him under Section 160 of the Code of Criminal Procedure, which he complied with. However, on one occasion, at night police were found knocking his door. Besides, the petitioner has made a complaint before the authorities of the co-operative societies alleging commission of offence and requested them to file FIR. But no steps were taken in this regard.

Learned counsel for the State relies a report and submits as follows. It is true that on that particular occasion, the police had gone near the place of the petitioner at the dead of night trying to investigate a murder case. That incident has nothing to do with the case where the petitioner is a witness. So far as the grievance of the petitioner in the complaint made before the Co-operative Society is concerned, it is for the petitioner to take initiate appropriate proceeding.

Learned counsel representing the present Chairman of the Co-operative Societies submits as follows. The petitioner was duly removed from his earlier post in the co-operative society. The documents which are relied upon by the petitioner could not have been in his hand.

The presence of certain documents in the hands of the

petitioner is not the subject matter of the present petition.

The fear of the petitioner regarding police knocking at his door at the wee hours of the night is allayed.

So far as the petitioner's grievance and/or complaints before the Co-operative Societies is concerned, he is at liberty to make appropriate prayer before the Police Station or the learned jurisdictional Magistrate.

Therefore, no further order need be passed in this case.

As affidavits were not called for, allegations are not admitted.

With these observations, the writ petition is thus disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)