

WPA 30061 of 2016
Sunil Kumar Rai
Vs.
The State of West Bengal & Ors.

Mr. Jishnu Chowdhury
Mr. Jahar Lal De
Ms. Smita Das De

... ... for the State

Mr. Alope Kr. Ghosh
Mr. Biswajit Mukherjee
Mr. Arijit Dey

... ... for the KMC

Mr. Arjun Ray Mukherjee
Ms. Saheli Mukherjee

... ... for the respondent no.8

This public interest petition was filed seeking a direction to the official respondents to implement the order of this Court dated 15th July, 20213 passed in WP No. 561 of 2010 (Sant Bux Singh Vs. Kolkata Municipal Corporation and others).

The plea which is raised in this petition is that the councilor/member of the Kolkata Municipal Corporation are withdrawing/transferring the funds of National Old Age Pension Scheme (NOAPS) in the name of dead persons for their personal benefits.

Earlier WP 8351(W) of 2015 in the matter of Sunil Kumar Rai Vs. KMC and others was filed which was disposed of by the Division Bench of this Court by order dated 24.04.2015 taking note of the judgement of the Hon'ble Supreme Court in the matter of Manish Trivedi Vs. State of Rajasthan (Criminal Appeal No. 1881 of 2013) had directed to proceed with the matter taking note of the fact that the investigation was complete and the

cases were registered in Chitpur Police Station Case No. 74. In respect of the issue of sanction under section 19 of the Prevention of Corruption Act, the prosecution was permitted to take recourse the procedure laid down in the matter of Dr. Subramanian Swamy Vs. Dr. Manmohan Singh, reported in 2012(3) SCC 64.

The matter remained pending thereafter and the directions were issued from time to time and today the report has been filed indicating that the investigation is complete and the charge-sheet has been submitted before the learned Additional Chief Judicial Magistrate, Sealdah, South 24-Parganas vide C/s No.28/2022 dated 21.03.2022 against one Smt. Suman Singh, wife of Sri Jai Singh under sections 120B/409/467/468/471/477A IPC and sections 13(1)(c) read with section 13(2) of PC Act and also against Dilip Kumar Singh under sections 120B/420/467/468/471 IPC. It is pointed out that another accused namely, Sarat Sarkar had died in the meanwhile.

It is pointed out by the learned counsel for the State that the delay took place as the provision as regards to the sanction for prosecution was not clear and after receiving the opinion of the learned Advocate General that there is no provision in the Kolkata Municipal Corporation for grant of sanction and the appropriate steps were taken to file the charge-sheet.

Having regard to the fact that now the investigation is complete and the charge-sheet has been filed, we are of

the opinion that earlier direction issued by this Court in the case of Sunil Kumar Rai (supra) has been complied with.

Hence, we are of the opinion that nothing further is required to be done in this writ petition which is accordingly disposed of taking on record the report filed today.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)