

Sl No. 8
09.03.2022.
Ct No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction
(Via Video Conference)**

WPA 35 of 2022

Dipak Singha

-versus

The State of West Bengal & Ors.

Mr. Hillol Saha Podder
... for the petitioner.

Mr. Hirak Barman
Ms. Bedashruti Bose
... for the State respondents.

The petitioner claims that he is a driver attached to the office of the Bidhannagar Police Station, Darjeeling.

According to him certain untoward incident took place in the said police station on September 30, 2021.

The petitioner intended to lodge FIR against one Sri Mrinal Basunia, Sub-Inspector of Police, Bidhannagar Police Station, Darjeeling.

The petitioner contends that he sought to file a written complaint before the Officer-in-Charge, Bidhannagar Police Station but the concerned Officer-in-Charge refused to accept the said complaint. The petitioner accordingly forwarded the letter of complaint through post to the Superintendent of Police, Director

General of Police and to the Hon'ble Home Minister. The petitioner alleges that his complaint has not been answered by the respondents.

The petitioner prays for a direction upon the Superintendent of Police for taking action in the matter following the decision passed by the Hon'ble Supreme Court in the matter of ***Lalita Kumari v. Government of Uttar Pradesh & Ors., reported in (2014)2 SCC 1.***

Learned advocate representing the State respondents submits, upon instruction, that the said Mrinal Basunia is presently attached to the Bidhannagar IC and he looks after the vehicles of Bidhannagar IC, its fuel consumption and duty detailment of the drivers of Bidhannagar IC.

On September 30, 2021, Sub-Inspector Mrinal Basunia made some changes in the duty roster of drivers. On the same night the petitioner came to the office in intoxicated condition and misbehaved with him for causing a change in his duty roster.

The incident occurred in the presence of Sub-Inspector, Sushanta Pradhan. The officials who are involved in detailment of drivers are not interested to offer any work to the petitioner as driver of Bidhannagar IC as he is a habitual offender and he often consumes alcohol in duty time and misbehaves with the officers and members of the force. He was earlier removed for such misbehavior.

The instruction clearly mentions that the police officer does not have any ill intention to create pressure upon the petitioner. It is only that the area lies near the border and the National High Road 31 and adjustment of duty of drivers is very important to move two police vehicles continuously for patrolling. Change in the duty roster has been made for administrative interest.

The allegation of the petitioner that he intended to lodge complaint has been denied. On the contrary it has been submitted that it is the petitioner who continuously threatened the police officers.

From the instruction that has been forwarded by the Officer-in-Charge, Bidhannagar IC it appears that the petitioner was annoyed as his duty roster was changed. It appears that the said change was required for administrative reasons and for proper functioning of the police vehicles in and around the border area.

The petitioner, though, claims that complaint was forwarded to the Superintendent of Police through post but, surprisingly, the petitioner did not lodge any complaint before the Officer-in-Charge of the police station.

It will be open for the petitioner to lodge formal complaint before the Officer-in-Charge of the concerned police station, if he is so aggrieved.

No further order can be passed in the instant writ petition.

The writ petition stands disposed of.

Instruction given by the Officer-in-Charge, Bidhannagar IC dated March 1, 2022 be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)