

10.04.2023
Court No.13
Item No.19
AP

WPA 5865 of 2023

**Sri Kalyan Krishna Nandi
Vs.
The State of West Bengal and Ors.**

Mr. Kalyan Krishan Nandi
... For the Petitioner.

Mr. Santanu Kumar Mitra
Ms. Anandamayi Ghosh
... For the State.

Mr. Sabyasachi Chatterjee
... The amicus curiae.

In terms of this Court's order dated 23rd February, 2023 passed in WPA 1938 of 2019 the Barrackpore Police has registered FIR No.44 dated 19th March, 2023.

The summary of the petitioner's grievance at this stage is that in response to a notice issued under Section 91 of the CrPC pursuant to the FIR by the IO, he has submitted several documents. The IO, according to the petitioner, has not seized documents. He has not even sought to procure the originals of the documents from the District Court.

Mr. Mitra, learned counsel for the State submits that the investigation cannot be dictated by the petitioner and that there is no statement in the pleading to this effect.

Be that as it may, the IO shall prepare a seizure list of all documents submitted by the petitioner and take sincere steps in the investigation in the matter.

A list of documents has been handed over to Mr. Mitra, learned counsel for the State, and has also been filed before this Court.

Mr. Mitra on instruction submits that the investigation by the IO is already being supervised by the IC.

One of the grievances of the petitioner in his complaint is that an order of the ACJM uploaded in the website and passed in Court in the morning has been subsequently altered and uploaded afresh. The petitioner claims to have approached the ACJM with the grievance.

Keeping in mind the nature of allegations, this Court is of the view that there are some questions raised with the administration of justice at the Barrackpore Court. The investigation into the subject FIR is, therefore, required to be supervised by a sufficiently senior official from the Barrackpore Police Commissionerate. The Commissioner of Police, Barrackpore Police Commissionerate shall nominate a sufficiently senior officer of the rank of ACP to supervise this investigation.

The District Judge, North 24-Parganas shall extend all cooperation to the investigating officer and the ACP in this regard.

All documents required by the investigating officials shall be supplied by the District Judge, who shall personally ensure compliance of this order.

The petitioner is required to be present in connection with a 498A case before the learned 4th Judicial Magistrate, Barrackpore. Since the petitioner presently appearing in the matter before this Court, appropriate accommodation may be sought in the Court below for the petitioner's absence.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)