

24.07.2023
sayandeep
Sl. No. 106
Ct. No. 14

WPA 8322 of 2023

Sri Akhilesh Bhattacharjee @ Akhilesh Bhattacharjee
-versus-
The State of West Bengal & Ors.

Mr. Mit Guha Roy
Mr. Sayan Kanjilal

..... for the petitioner

Mr. Suddhadev Adak
Mr. Suddhadev Adak

.....for the State

Mr. Pradip Kr. Chatterjee

.....for the respondent No. 6

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent to render police help in respect of Khargram Police Station Case No. 303 of 2022 dated 04.08.2022 under Sections 406, 420, 120B of the IPC so that no coercive steps can be taken against the petitioner and to conduct a fair investigation in connection with the same.

Learned counsel appearing for the petitioner submits as follows. The petitioner is an accused in this case. However, he had never applied for mutation of the property in question. Somebody else created false documents based on which the instant FIR was lodged. Although the application for anticipatory bail of the brother of the present petitioner was turned down by this Court, there was a direction passed for robust investigation not only limited to the said

petitioner, but also the manning of the office of the BL&LRO. As of now, there is no material available against the present petitioner.

Learned counsel appearing for the municipal authorities submits that the heirship certificate used in mutating of names was not issued by the present Chairman of the Municipality. However, it cannot be said whether the same was issued by the earlier Vice-Chairman who had no authority to do so.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. The document in question has already been sent for comparison to the hand writing expert. Investigation is going on. The petitioner stands substantially on the same footing as the one whose anticipatory bail application was rejected.

I have heard the submissions of learned counsel appearing for the parties and have perused the writ petition and the case diary produced by the State.

It appears that investigation is being carried out by the investigating agency. Statements have been recorded and documents seized. It is submitted on behalf of the State that the relevant document had to be sent to the hand writing expert for comparison.

Thus, I do not find any dearth of proper investigation in the case.

Not to take coercive steps cannot be a final relief sought in a writ petition.

If the petitioner wants to secure his liberty in terms of an order of bail or a similar relief, the petitioner shall be at liberty to file an application for anticipatory bail.

I do not find any material to intervene in the matter and pass an order in terms of the prayers made in the writ petition.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)