

31.01.2023
Court No.13
Item No.3
AP

WPA 9101 of 2019

**Sandeep Khemraj Todi
Vs.
State of West Bengal & Ors.**

Mr. Devajyoti Barman
Ms. Sanjukta Basu Mallick

... For the Petitioner.

Affidavit-in-Oppositions filed by the respondents are taken on record.

The Commissioner of Police, Kolkata has filed a report dated 30th January, 2023 and the same is taken on record.

It appears from the report that a departmental proceeding was started against S.I. Prithvish Mistry, investigating officer. The Commissioner of Police, Kolkata has indicated that major punishment was imposed on him after due enquiry.

Representative of the Commissioner of Police, Kolkata informs that penalty of withholding of increment has been imposed on the erring officer.

It clearly appears to this Court that such punishment is a minor penalty within the accepted service jurisprudence in this country. However, this Court is not sitting in appeal over the proceedings against the erring officer.

The petitioner's grievance as regards the inaction against his complaint remains at large.

It is, therefore, ordered that Ballygunge Police Station shall register FIR in respect of the said complaint of the petitioner and commence investigation.

The investigation shall be carried out under the supervision of a DCP, who is nominated by the office of the Commissioner of Police. The investigation may be completed mandatorily and positively within a period of two months from date.

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.)