

22.06.2023  
Item No.9  
gd/ssd

MAT/1076/2023  
IA NO: CAN/1/2023, CAN/2/2023  
ABUL KALAM GAIN  
VS  
STATE OF WEST BENGAL AND ORS.

Mr. P.C. Das,  
Mr. Bankim Mondal  
..for the Appellant.

Ms. Sonal Sinha,  
Mr. Vivek Basu  
..for the State.

Mr. S.T. Mina,  
Mr. I.A. Mina,  
Mr. Pratick Sardar  
..for the Respondent Nos..8 and 9.

**Re: CAN 2 of 2023**

1. CAN 2 of 2023 has been filed by the appellant seeking condonation of delay of five days in filing this appeal.

2. Learned counsel for the appellant has referred to the explanation which has been furnished in the application and also has made submission in respect of the explanation for the delay.

3. We find that the delay in filing this appeal has been sufficiently explained and the appellant was prevented from filing the appeal within time on account of bona fide reason.

4. Hence, CAN 2 of 2023 is, accordingly, allowed.  
The delay in filing the appeal is condoned.

**Re: MAT 1076 of 2023**

5. This intra court appeal by the appellant is directed against the order passed by the learned Single Bench dated 7<sup>th</sup> February, 2023 in WPA 23854 of 2022.

6. From the order we find that there are certain civil proceedings pending between the appellant and the private respondents so far as the police complaint given by the appellant.

7. The learned Single Bench has directed to the concerned police to complete the investigation into the said FIR and any other proceedings in accordance with law within a period of one month from the date mandatorily and positively.

8. It is alleged that the order directing investigation to be completed has not been complied with.

9. The Inspector of Police, Bhangore Police Station, Baruipur Police District has filed a report dated 22.06.2023 from which it is seen that on the basis of the complaint given by Meheubub Gain, brother of the appellant, a case was initiated by the respondent police in Case No.700 of 2022 on 01.11.2022 and after completion of the investigation, a charge-sheet has been laid in Bhangore Police Station Case No.671 of 2022 dated 30.11.2022 against the private respondents/Sahara Bibi and Others.

10. Apart from that based on the complaint given by the private respondents, a case has been registered in Bhangore Police Station Case No.699 of 2022 dated 01.11.2022 and the case has ended in a charge-sheet. Thus, there is a case and counter. It is upto the appellant and the private respondents to pursue the matter before the concerned court.

11. It is submitted by the learned advocate for the appellant that in the licence issued by the Government of West Bengal under the West Bengal Clinical Establishment (R.R&T) Act, 2017 the private respondents have illegally inserted her name in the licence.

12. If, according to the appellant, it is a case of forgery or an illegal inclusion, we leave it open to the appellant to approach the licencing authority of the Government of West Bengal under the said provision by way of a complaint which shall be looked into by the said authority.

13. It is submitted by the learned advocate for the private respondents that originally the licence contained whenever the appellant alone but after the private respondents were interacted as a partner her name was included but that was illegally deleted by the appellant.

14. It is the authority of the Health Department of the Government of West Bengal to consider all claims in the event any complaint is made.

15. With the above observation, the appeal stands disposed of.

16. Since we dispose of the appeal without calling for affidavits, the merits of the allegation made by the appellant has not gone into.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(AJAY KUMAR GUPTA, J.)**