

08 17.10.2023
NB Ct. 14

WPA 21563 of 2023

Ashim Das & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Aditya Sen.
...for the petitioners.

Mr. Sk. Md. Galib Sr. Govt. Adv.,
Mr. Tamal Taru Panda.
...for the State.

Mr. Avik Ghatak,
Ms. Afreen Begum.
...for the respondent nos.8&9.

Reports filed on behalf of the State are taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the victims of fraudulent offer to get jobs in government concerns in lieu of money. The private respondents were neither given any job nor were refunded money. The investigation is not being done properly. Charge sheet does not even reflect the documents like joining letters issued by the accused submitted on behalf of the petitioners.

Learned counsel appearing on behalf of the respondent nos.8 and 9 denies the allegations made in the writ petition and submits that if the petitioners were aggrieved with the outcome of investigation, he ought to have filed a protest petition.

Learned counsel appearing on behalf of the State relies on the reports and submits as follows. The alleged appointment letters issued in this regard have already been seized and made a part of the case diary. In fact, in Contai PS

Case No.512 dated 21.12.2022, a joining letter has been seized and made a part of the case diary.

It appears that the investigation done by the Officer did not suffer from any gross infirmity. However, it also should add the documents already available with the petitioners like other joining letters.

To avoid multiplicity of proceedings and further delay, the petitioners are not relegated to the Trial Court to file a protest petition.

Let the relevant documents, which have not been made part of the case diaries, be supplied again to the Investigating Officer.

The Investigating Officer shall file a supplementary charge sheet incorporating copies of the same after taking leave of the learned Trial Court.

The Investigating Officer shall be at liberty to conduct further investigation in respect of those documents.

No further order need be passed in this regard.

Let the respondent police authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place.

Since affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order may be given to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

