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16.10.2023
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Ct 14

WPA 21765 of 2023

Sk. Harejuddin

-vs-

State of West Bengal & ors..

Mr. Gouranga Kumar Das

...for the petitioner

Mr. Tanmay Basu

Mr. Debdip Mandal

Mr. Ambika Sasmal

...for the respondent no.5

Mr. Ashim Kr. Ganguly

Mr. Sk.Md. Masud

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Order dated 21.03.2023 passed by this Court in WPA 224 of 2023 as filed on behalf of the private respondent is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the President of a Managing Committee of the school. It was noticed that the private respondent no.5 as Headmaster of the school had accepted money but did not deposit it in the bank account of the school. He defalcated a sum of Rs. 21 lakhs and odd in the process. In fact, the private respondent gave an undertaking to return the money. In spite of this, the police have taken no action against the private respondent.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the

writ petition are denied. On one occasion, the petitioner and his men and agent belonging to the ruling political dispensation came in front of the petitioner's house in his absence and severely threatened his wife. In fact, the petitioner himself is accused of laundering money belonging to the school. On this, reliance is placed on a copy of the order.

Learned counsel appearing on behalf of the State submits that on numerous occasions, the petitioner was asked to provide necessary documents, but the same was not done.

It appears that no FIR has been registered on the basis of a complaint made by the petitioner.

The petitioner shall be at liberty to act in terms of the ratio laid down in Aleque Padamsee's Case, (2007) 6 SCC 171 in respect of his complaint.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)