

19.6. 2024
item No.3
n.b.
ct. no.24

WPCRC 52 of 2023

**in
WPA 8291 of 2021**

Kalyan Krishna Nandi

Vs.

SK. Mohammad Reza

Mr. Kalyan Krishna Nandi,
..... for the petitioner(in person).
Mr. Sirsanya Bandopadhyay,
Mr. Ritesh Ganguly,
..... for the State.
Mr. Biswabrata Basu Mallick,
Ms. Parna Roy Chowdhury,
.... For the alleged contemnor nos. 1 to 6.
Mr. Jayanta Samanta,
Ms. Mahua Dutta Biswas,
... for the alleged contemnor nos. 7 to 10.

The present petitioner has alleged that the alleged contemnor has deliberately not complied the portion of the order of this court dated 25.11.2022 and 9.12.2022 in WPA 8291 of 2021. The portion of the order dated 25.11.2022 as alleged by the petitioner is set out as follows:

“Animesh Roy, Sub-Divisional Police Officer, Barasat, Barasat Police District is personally present in Court and a detailed report dated 24th November 2022 on the progress of the case has been filed by him.

The Sub-Divisional Police Officer, Barasat, Barasat Police District shall conduct and complete the investigation in a fair manner without being influenced by any person from any quarter.

The report sought by the Sub-Divisional Police Officer, Barasat, Barasat Police District from the Additional District & Sessions Judge, 1st Court, Barasat shall be supplied immediately to him.

Three advocates of the Barasat Court are desirous of participating in the instant proceedings through Mr.

Atindranath Misra, Advocate. Although they are not added as party to the instant proceedings, they shall be heard.

Let the report of the Sub-Divisional Police Officer, Barasat, Barasat Police District be made over to the writ petitioner.

Supplementary affidavit filed on behalf of the petitioner is taken on record. A copy of the same shall be handed over the State as well as the advocate representing the aforesaid said three advocates.

The personal appearance of the Animesh Roy, Sub-Divisional Police Officer, Barasat, Barasat Police District is dispensed with for the day on his undertaking to be present before this Court on the adjourned date.

Let this matter stand adjourned and be listed on 9th December 2022”.

In this regard, the order dated 9.12.2022 is as follows:

“Mr. Animesh Roy, Sub-Divisional Police Officer, Barasat is personally present in Court.

It is submitted that the investigating is still on.

A report from the office of the Additional District Judge, 1st Court, Barasat is awaited. The Additional District Judge, 1st Court, Barasat shall, within a period of three days from date, submit a detailed report as sought for by the Sub-Divisional Police Officer, Barasat.

It is expected that investigation be completed by 5th January, 2023.

The personal appearance of Mr. Animesh Roy, Sub-Divisional Police Officer, Barasat is dispensed with for the day on his undertaking to be present on 6th January, 2023.

List this matter on 6th January, 2023.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.”

The petitioner appearing in person Mr. Nandi submits that a coordinate bench of this Court has directed the Additional District Judge, 1st Court Barasat to submit a report as sought for by the Investigating Officer(Sub-Divisional Police Officer, Barasat). The petitioner appearing in-person submits that one criminal complaint case filed by the petitioner, was under investigation by the Sub-Divisional Police Officer, Barasat. During the course of investigation, the investigating

agency facing some trouble for getting necessary Court records. Accordingly, the present petitioner moved this Court for smooth and speedy investigation. The Investigating Officer appeared personally before this co-ordinate bench of this Court and stated that the report and document as sought for by the Investigating Officer was not forwarded by the alleged contemnor. In order dated 25.11.2022 the co-ordinate bench of this Court in paragraph 2 has directed the investigating officer as follows:

“The report sought by the Sub-Division Police Officer, Barasat, Barasat Police District from the Additional District & Sessions Judge, 1st Court Barasat shall be supplied immediately to him.”

In order dated 9.12.2022 the co-ordinate bench of this Court directed the alleged contemnor to submit a report as sought for by the Investigating Officer within three days.

It appears from the report submitted today by the alleged contemnor that the report and the alleged document as sought for by the Investigating Officer (SDPO) was handed over to him on 5.1.2023. It is a fact that on 9.12.2022 only three(s) days time was given to the alleged contemnor to submit the report. I am quite in dark whether the said order dated 19.12.2022 was at all informed to the alleged contemnor immediately. However, it appears from the report that the Investigating Officer approached to the alleged contemnor on January 4, 2023

to receive the documents on the next date i.e. on January 5, 2023; there documents were handed over in original to the Investigating officer.

The petitioner pressed heard that a report was sought for by the Investigating Officer from the alleged contemnor but such report was not filed.

I have perused the earlier order regarding the scope of submission of report by the alleged contemnor. The fact suggest that the criminal case has alleged regarding tempering of some documents of Court wherein the alleged contemnor was the presiding officer. I find no justification regarding submission of report by the alleged contemnor. However, it is clear that alleged contemnor has not submitted the documents as sought for by the SDPO within the time frame dated 9.12.2022. In considering the entire aspect, as the entire documents as sought for by the SDPO was handed over to the SDPO and as it is not clear to this court that whether the specific direction was at all intimated to the alleged contemnor within time; I find no justification to pass an appropriate an order in favour of the petitioner.

Accordingly, the WPCRC 52 of 2023 is disposed of without any specific direction. Rule, if any, stands discharged.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)