

19.06.2024
SL No.4
Court No.24
Ali

CPAN 401 of 2024

**Kalyan Krishna Nandi
Versus**

**Avani Pal Singh, Ld. District Judge Barasat & Ors.
In**

**WPA 1938 of 2019
With**

WPA 5865 of 2023

**Kalyan Krishna Nandi
Versus**

State of West Bengal & Ors.

Mr. Kalyan Krishna Nandi
.....for the petitioner (in person).

Mr. Biswabrata Basu Moulick,
Ms. Porna Roy Chowdhury
...for the alleged contemnors No. 1-6.

Mr. Mr. Jayanta Samanta,
Ms. Mohuya Dutta Biswas
..... for the alleged contemnors No. 7-10.

The present petitioner is aggrieved against the conduct of the alleged contemnors being the District Judge and other Presiding Officers of Barasat District Judiciary who alleged to have not complied the order passed by a Co-ordinate Bench of this Court dated 10.04.2023 and 23.02.2023, the portion of the said order is as follows:

“Keeping in mind the nature of allegations, this Court is of the view that there are some questions raised with the administration of justice at the Barrackpore Court. the investigation into the subject FIR is, therefore, required to be supervised by a

sufficiently senior official from the Barrackpore Police Commissionerate. The Commissioner of Police, Barrackpore Police Commissionerate shall nominate a sufficiently senior officer of the rank of ACP to supervise this investigation.

The District Judge, North 24-parganas shall extend all cooperation to the investigating officer and the ACP in this regard.

All documents required by the investigating officials shall be supplied by the District Judge, who shall personally ensure compliance of this order”.

Mr. Nandi the petitioner in-person submits that due to non-compliance of the said order by the District Judge and other Judges of the Barrackpore judiciary, the criminal case initiated by the petitioner was not properly investigated and the investigating officer has submitted FRT. He further submits if the alleged contemnors produced the documents as per direction of this Court, the investigation of the case would be completed in charge-sheet. He further submits that the petitioner shall prefer a specific application before this Court with a prayer for further investigation. However, pages-48 and 49 of the instant writ petition disclosed that specific requisition was made by the investigating officer on 04.10.2023 to the District Judge, 24-parganas (North).

Learned advocate appearing on behalf of the alleged contemnors submits that the documents are

already submitted as per the requisition. However, it appears to me that the direction of the Co-ordinate Bench of this Court upon the district Judge and other officers of the District judiciary was to extend all cooperation to the investigating officer. Whether the cooperation was extended sufficiently by the District Judge or other officers of the District Judiciary can only be ascertained by the investigating officer. The purpose of ending investigation through a Final Report may not be due to the non-supply of the documents.

However, I restrain myself to pass any comment regarding the merit of the criminal matter and investigation thereof. It is kept open to the petitioner to challenge the entire report on all grounds before the appropriate forum.

However, in considering the merits of this matter regarding non-compliance of the order of this Court by the alleged contemnors, it appears to me that petitioner could not arraign any materials to substantiate the fact that the judicial officers (Respondent Nos. 1 to 6) and the Police Officer (Respondent Nos. 7 to 10) had ever deliberately disobeyed the order and direction of this Court for which an action can be invited.

Considering the entire facts and circumstances, the instant **CPAN 401 of 2024** is disposed of without any specific order.

Rule, if any, stand discharged.

(Subhendu Samanta, J.)