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13.06.2024
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WPA No. 9197 of 2024

Tanmoy Samanta
Vs.
The State of West Bengal & Ors.

Ms. Suman Sehanabis.
... for the petitioner.

Mr. Suman Sengupta
Mr. Sambuddha Dutta
Mr. Sanatan Panja.
... for the State.

Report dated 4th April, 2024 filed by Officer-in-Charge, Shyampur Police Station in Court today is taken on record.

The writ petitioner was engaged as a 'Civic Volunteer' in the district of Howrah w.e.f. 1st January, 2016 and was attached to Shyampur Police Station. A criminal case was instituted against the petitioner by Shyampur Police Station. The said criminal case is still pending. The petitioner alleges that in view of such criminal case falsely instituted against the petitioner, the petitioner has been demobilized and is not allowed to perform his duties as 'Civic Volunteer'.

On behalf of the State-respondents, a report prepared by the Officer-in-Charge, Shyampur Police Station addressed to the learned State advocate is placed before the

court. On a perusal of the said report, it appears that the petitioner has been charged of offence under Sections 498A/304B/302/34 of the Indian Penal Code, 1860 as also under Sections 3/ 4 of the Dowry Prohibition Act, 1961. The charge-sheet has also been filed against the petitioner. Although, the petitioner is not a member of the police force but as a 'Civic Volunteer' is attached to the same police station wherein the criminal complaint has been lodged and is assisting the police personnel attached to the said police station. Moreover, a charge-sheet has already been filed, I do not find any illegality in the petitioner being demobilized under such facts and circumstances. This is also required to be done as a 'Civic Volunteer' attached to the same police station, the petitioner may be in a position to influence the investigation process as also the trial. That apart in any event, the charges levelled against the petitioner are severe in nature and any employer may lose confidence on an employee having been charged with such offences. The criminal case is pending after filing of the charge-sheet.

In the aforesaid facts and circumstances, I find no merit in the writ petition. There will be also no fruitful purpose served even if the petitioner's representation is

directed to be considered because the criminal case is pending. Only if the petitioner is acquitted, the petitioner may apply for considering his case provided he fulfils other eligibility criteria on the date of reconsideration after being acquitted.

The writ petition is, accordingly, disposed of.

Since, I have not called for any affidavit, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

(Arindam Mukherjee, J.)