

14-06-2024
ct no. 13
Sl. 27
sp

WPA 13592 of 2023
With
CAN 1 of 2024
With
CAN 2 of 2024
Manas Kumar Mandal
-Versus-

The State of West Bengal & Ors.

Mr. Prasenjit Mukherjee,
Mr. Arghya Kamal Das,
Ms. Manisa Mandal
...for the petitioner

Mr. Bhaskar Prasad Vaisya,
Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee
...for the State

Mr. Ranjan Saha
..for the DPSC, Paschim Medinipur

CAN 2 of 2024

1. CAN 2 of 2024 has been filed seeking condonation of delay of 190 days in filing CAN 1 of 2024.
2. Sufficient grounds have been made out in the instant application explaining such delay. Hence, the delay is condoned.
3. Accordingly, CAN 2 of 2024 is allowed and disposed of.

CAN 1 of 2024

4. Sufficient grounds have been made out explaining the absence of the petitioner on 26th September, 2023. The order dated 26th September, 2023 is recalled. Hence, the writ petition is restored to its original file and number.

5. Accordingly, CAN 1 of 2024 is allowed and disposed of.

WPA 13592 of 2023

6. Affidavit of service filed in Court today is taken on record.

7. The petitioner is aggrieved by an order of suspension dated 13th April, 2023 passed by the Chairman-in-Charge, DPSC, Paschim Medinipur.

8. Counsel for the petitioner would argue before this Court that firstly, the Chairman-in-Charge, DPSC, Paschim Medinipur is not authorized to suspend him. It is next argued that the petitioner was granted bail within 3 days of the complaint and registration of FIR. This was based primarily on the statement under Section 164 of the Cr.P.C of the victim. He, therefore, submits that the criminal proceedings against the petitioner are baseless.

9. This Court, however, finds that a charge sheet has been filed against the petitioner, inter alia, under the provisions of the POCSO Act.
10. The petitioner shall be at liberty to file a representation before the Chairman-in-Charge, DPSC, Paschim Medinipur, seeking review of the order of suspension. The Chairman-in-Charge, DPSC, Paschim Medinipur shall take a decision in the matter, within a period of one month from the date of receipt of the representation having due regard to the nature of criminal proceedings and also the fact that the State Exchequer would be paying substantial allowance to the petitioner without receiving any service.
11. With the aforesaid observations, the instant writ petition shall stand disposed of.
12. There shall be no order as to costs.
13. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)