

D/L25
26.02.2024
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C.R.M.(SB) 179 of 2023

In Re: An application under Section 439(2) of the Code of Criminal Procedure, 1973 ;

Mousumi Sengupta
Versus
The State of West Bengal and another

Mr. Kamalesh Chandra Saha
Ms. Payel Mitra.
...for the petitioner.

Mr. Dipankar Aditya
Mr. Pinaki Bhattacharyya
Ms. Tina Biswas
Ms. Payel Ghosh
Mr. Koushik Roy.
...for the private opposite party no.2.

Mr. Imran Ali
Ms. Debjani Sahu.
...for the State.

Petitioner has preferred an application for cancellation of bail in connection with an order dated 17.05.2023 passed by the learned CJM, Barasat in connection with Barasat Police Station Case No.474 of 2022 dated 18.07.2022 which was registered for investigation under Sections 341/188 of the Indian Penal Code.

The accused/opposite party no.2 entered appearance and filed her affidavit-in-opposition.

Petitioner has replied to such affidavit also.

Ms. Sahu, learned advocate appearing for the State has produced the case diary. The case diary reflects that charge-sheet has already been submitted before the jurisdictional court.

Having considered the totality of the circumstances and

the nature of the offence complained of, I do not find any illegality in the order dated 17.05.2023 which calls for any interference by this Court.

There are certain subsequent events which have been mentioned in the application for which representation was made to the Superintendent of Police of the concerned District. The said facts relate to non-cooperation from the administrative authority and in an administrative capacity which gives rise to a separate cause of action and do not form the basis for interference so far as this Court is concerned which was registered only for entry of the headmistress at the time she went to join the school pursuant to the order passed by a co-ordinate Bench of this Court. Petitioner would be at liberty to take out appropriate application or take appropriate steps in accordance with law. So far as the impugned order is concerned, the same do not call for interference.

Accordingly, CRM(SB) 179 of 2023 is dismissed.

Case diary be returned to the learned advocate appearing for the State.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)

