

104 07.02.2024
NB Ct. 14

WPA 25761 of 2023

Krishnarampur Ramkrishna Sangha & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya.
..for the petitioners.

Mr. Asish Kr. Guha,
Mr. Benazir Ahmed.
...for the State.

Report filed on behalf of the State is taken on record.

A copy of the report is handed over to the learned counsel for the petitioners.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is a registered society and the petitioner no.2 is its secretary. By misusing the name of the petitioner no.1 and falsely representing it, the private respondents had been collecting money and defalcating the same. Even the grant given during puja was siphoned off. They forged signatures of local villagers even of a dead man. Although, the complaint made out a cognizable case, no FIR was registered by the police. One of the accused is a civic volunteer of the area.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Since the police had doubts about whether a cognizable case was made out or not, an enquiry was conducted and it was found that some other person was the secretary of the association. The document annexed is of an earlier time and the post-holders are supposed to hold post for one year, according to their own document.

It is quite strange that the police chose to conduct a preliminary instead of a full-fledged investigation after registering the complaint of the petitioner as an FIR. If no case was made out, they could have fairly filed a final report.

Be that as it may, if the petitioner believes that a cognizable offence is made out on his complaint, he shall be at liberty to act in terms of the directions passed in ***Aleque Padamsee*** Case, (2007) 6 SCC 171.

With these observations, the writ petition is disposed of,

Since affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)