

WPA 27262 of 2023

Krishnapada @ Krishna Pada Sarkar
Vs.
Union of India & Ors.

Mr. Ranojoy Chatterjee
Mr. Tamal Singha Roy
...for the petitioner

Mr. Asish Kumar Guha
Ms. Benazir Ahmed
... for the State

Mr. Arun Kumar Maity (Mohanti)
Mr. Ayanabha Raha
... for the Union of India

Affidavit of service filed on behalf of the petitioner
is taken on record.

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

Learned counsel appearing on behalf of the
petitioner submits as follows. The petitioner is an
accused in the instant case being Raiganj Police Station
case No. – 258 dated 04.08.2001 under Sections
467/468/471/477A/120B/420/409 of the Indian
Penal Code. The respondent Nos. 5 and 6 who are the
actual culprits had initiated and/or actuated the
proceeding so that the petitioner can be falsely
implicated in the same. The concerned District
Magistrate, who is one of the persons involved, could
not have investigated the case. Proper action should be
initiated to have the real culprits punished.

Learned counsel appearing on behalf of the State
relied on the report and submits as follows. Upon
investigation, a charge-sheet was submitted in the said

case being Charge Sheet No. 403 dated 30.09.2001. The accused faced trial. The petitioner was acquitted after being found not guilty. At present he has made a misconceived prayer for reinvestigation.

Learned counsel appearing on behalf of the Union of India submits that the prayer made by the petitioner is absurd and vague.

It appears that the petitioner was an accused in a case where he got an acquittal. If he was of the view that someone else was responsible for the crime, it was for him to file a complaint earlier. The same could have been investigated into and taken to its logical conclusion. All these long, since 2001, the petitioner had chosen not to do so. Now, if he had to ask for a reinvestigation in the case that had become pending, then he has to challenge his own acquittal first.

The application is inordinately delayed and totally misconceived. Accordingly, the same is dismissed.

However, there shall be no order as to cost.

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

(Jay Sengupta, J)