

ML 173
10.03.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 2494 of 2024

Smt. Suhasini Midya
Vs.
The State of West Bengal & Ors.

Mr. Amit Bikram Mahata.
... for the Petitioner.

Mr. Debjit Mukherjee.
Ms. Kalpita Paul.
... For the State.

1. The petitioner prays for supplying certified copy of the deed being No. 1922/1981 dated 20th March, 1991 which was registered before the District Registrar, Purba Medinipur.
2. It appears that the said deed was impounded by the police as fake stamp papers were used for preparation of the deed in Sutahata P.S. Case No. 108/91 dated 17.09.91 under Sections 465/467/468/471/420/34 IPC.
3. Order passed in a similar matter by a Coordinate Bench of this Court on 1st November, 2019 in W.P. 14975 (W) of 2018 (Bimal Kumar Mandal –vs- State of West Bengal & Ors.) has been brought to the notice of the Court.
4. It appears that the issue has been decided by the Hon'ble Division Bench of this Court on 05.01.2011 in F.M.A. 200 of 2010. The operative portion of the order passed by the Hon'ble Division Bench reads as follows:
“.. On depositing an amount equivalent to the aggregate value of the stamp papers used for the purpose of registration with the registering

authority and upon proper application being made for obtaining certified copy and on payment of proper fees for the same, the registering authority concerned shall supply the certified copy of the document. The said certified copy shall be used for all practical purposes. Supply of certified copy shall be made within fortnight from the date of making deposit. If no deposit is made within four weeks from the date of receipt of certified copy of this order, then the issue will be a closed chapter and the judgment and order of the learned trial Judge will stand revived.

The aforesaid amount shall be kept deposited till the investigation is complete and the trial is over, ideally in a term deposit, if possible. If it is found in the trial that the stamp papers in question are forged, then the amount so to be deposited with the registering authority, shall be handed over to the appropriate authority, viz. the State Government. In the event, it is found that the stamp papers are genuine, obviously the amount so to be deposited, shall be returned to be appellants/ petitioners.”

5. As it appears that facts of the instant case are similar to the facts of the case decided by the Hon'ble Division Bench, accordingly, the order passed by the Hon'ble Division Bench in F.M.A. 200 of 2010 on 05.01.2011 shall apply in respect of the instant case. The criminal case that is pending shall continue without being influenced by the order passed hereinabove.
6. Instruction forwarded by the Additional District Sub Registrar, Sutahata Purba Medinipur dated 08.02.2024 be retained with the records.
7. Affidavit-of-service filed today in Court be kept with the records.
8. The writ petition stands disposed of.
9. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)