

28.07.2025
Court No. 35
D/L. No.28
Rakib

W.P.A. 14978 of 2025

**Deb Narayan Rudra
VS
The State of West Bengal & Ors.**

Mr. Haradhan Mondal
...for the Petitioner.
Mr. Vivekananda Bose
Mr. Sk. Md. Masud
...for the State.
Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra
Mr. Arka Mondal
...for respondent no.6

Petitioner is aggrieved by the fact that the private respondent is a public servant who has received money but did not keep his promise. Consequently, the department was informed as also the police authorities but till date no steps have been taken.

On the other hand Mr. Bose, learned advocate appearing for the State submits that a departmental enquiry was conducted and prima facie the contention of the petitioner for accepting the money for a separate reason has been accepted from the private respondents were found to be justified as per the statements which were recorded by the departmental authorities.

Learned advocate for the private respondents submits that the nature of the contention relate to a civil dispute.

Be that as it may, having regard to the fact that the private respondent is admittedly a public servant, in case he has accepted money in any form it would be his

duty to inform the department for acceptance of such money. In case he has not done the same, prima facie a case of criminal misconduct is made out.

Having considered the same that the police authorities till date have not taken any steps, I grant liberty to the petitioner to approach the jurisdictional Magistrate under Section 175(4) of the BNSS. Learned jurisdictional Magistrate would assess and ascertain regarding the accusations and pass necessary directions as he deems fit and proper.

With the aforesaid observations WPA 14978 of 2025 is disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)