

18.08.2025

Court No. 35

D/L. No.17

Rakib

W.P.A. 18038 of 2025

Somnath Biswal

VS

The State of West Bengal & Ors.

Ms. Mita Banerjee

Mr. Barun Kumar Ray

...for the Petitioner.

Mr. Kishore Dutta, Ld. A.G.

Mr. Suman Sengupta, Sr. Govt. Adv,

Mr. Syed Nazmul Hossain

...for the State.

Mr. Tanoy Chakraborty,

Mr. Apalak Basu

Mr. Kallol Saha

Mr. Akash Ghosh

..for the Private Respondent /Asansol Club.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the fact that in spite of informing the police authorities, particularly the Officer-in-Charge, Hirapur Police Station, no steps have been taken. Petitioner at the relevant point of time being the President of The Asansol Club Limited complained regarding misappropriation/defalcation to the tune of Rs.4.81 crores approximately. The first of such information was sent to Officer-in-Charge on or about 21.04.2025, subsequently, petitioner sent an email on 8th of May, 2025. In spite of such information being sent to the superior officer of police in respect of specific individuals, no steps were taken. Petitioner being aggrieved has approached this Court. Petitioner has relied upon judgment of Hon'ble Supreme Court in Lalita Kumari -Vs. - Government of Uttar Pradesh & Ors.,

(2008) 14 SCC 337 and submits that since the information reveals a cognizable offence, it was incumbent upon the State Authorities to register the case.

On the other hand learned advocate for the State submits that the writ petitioner was elected as President of the Asansol Club Limited for the period of 2021-2024, thereafter the newly elected Executive Committee in its minutes dated 25.09.2024 resolved to scrutinize the books of accounts of the previous committee for the period of 2023-2024 and 2024-2025 and accordingly a Scrutiny Committee was formed. On scrutiny of accounts on 26.11.2024 a report was submitted with financial irregularities on thirteen counts. Based on such report of Disciplinary Committee against the erring personnel show-cause notice was issued which included the writ petitioner. Lastly, it has been submitted in the report that during the enquiry which was conducted by the police authorities, the report of the Disciplinary Committee and the termination letter of the writ petitioner were collected. The enquiry which was further conducted by the police authorities reflected that the previous Executive Committee members were examined and all relevant documents of Asansol Club was verified. However, the police authorities arrived at their opinion even after full-fledged enquiry the allegations of the writ petitioner could not be substantiated as no cognizable offence surfaced, as such there was no question of registration of FIR.

Since the finding of the police authorities are to the extent that no cognizable offence has been made out and the petitioner is of the opinion that a cognizable offence has been made out, as also taking into account that the petitioner has already approached the Officer-in-Charge of Hirapur Police Station as well as the Deputy Commissioner of Police the only avenue open to the petitioner is to approach the jurisdictional Magistrate under Section 175(3) of the BNSS. In case the petitioner approaches the jurisdictional Magistrate, learned Magistrate would assess and ascertain the genuinity of the allegations and thereafter pass necessary directions as he deems fit and proper.

Learned advocate enters appearance for the Asansol Club Limited and submits that he has not been added as a party, although the Club happens to be affected party.

Be that as it may, since the direction passed will not at this stage affect the Asansol Club Limited, I am of the view that no affidavits are required to be called for.

Petitioner, if so advised will take steps in accordance with the direction passed above.

With the aforesaid observations WPA 18038 of 2025 is disposed of.

The Enquiry Officer would communicate the report to the writ petitioner within a period of seven days from date.

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.)