

20.02.2025
Item No.13
PG/KS
Ct. No.1

W.P.A.(P) 416 of 2024
Debabrata Ghosh & Ors
Versus
The State of West Bengal & ors.

Mr. Kartik Kumar Roy
Mr. Debashis Banerjee
Mr. Rakesh Jana.....for the petitioners

Mr. Sk. Md. Galib
Mr. Kapil Guha.....for the State

Mr. M.N. Roy
Mr. Biswarup Nandy.....for the respondent no. 12

1. We have heard the learned advocates for the parties.
For issuing appropriate directions, we *suo moto* implead the Additional Director General, Criminal Investigation Department, West Bengal as the 13th respondent. Let the cause title of the writ petition be accordingly amended.
2. A shocking incident has been brought to the notice of this Court by way of this public interest litigation for causing an investigation by an independent agency with regard to 199075 primary school text books, which were stolen from the office of the Sub-Inspector of Schools, Islampur Circle in connection with the F.I.R. dated December 2, 2022 in G.R. No. 3049 of 2022 lodged at the Islampur Police Station.

3. In the said F.I.R., two persons were arrayed as accused, who are supposed to be Godown Keepers, both of whom are contractual employees and at present Charge-Sheet has been filed in Charge-Sheet No. 707 of 2024 dated November 30, 2024 on the file of the Additional Chief Judicial Magistrate, Islampur Court, District-Uttar Dinajpur under sections 406/34 of the Indian Penal Code. The charge sheeted persons are also impleaded as respondents in the writ petition.
4. When the matter was earlier heard i.e. on January 2, 2025, the following order was passed:

“1. In this public interest writ petition, the petitioners have highlighted the theft of nearly 2,00,000 (Two Lakh) primary school text books, which were stolen from the godown. Two persons have been arrayed as accused in the criminal case, who are 11th and 12th respondent in this writ petition and the learned Government counsel submits that charge-sheet has been filed on November 20, 2024 and as on date, both the accused are on bail.

2. The concern of the writ petitioners is that the two persons alone could not have committed the theft of nearly 2,00,000 (Two Lakh) text books and there must be a larger conspiracy into the matter, which requires to be investigated.

3. Since charge-sheet has already been led, any direction issued in this writ petition would hamper the progress of trial. Therefore, for the present, we are not inclined to issue any such direction. However, the concern is as to how the students were compensated either by way of providing new text books or by distributing the text books, which were recovered from the accused.

4. Therefore, we direct the 6th respondent i.e. the Chairman, District Primary School Council, Uttar Dinajpur to file a report as to how many books were stolen, how many books were recovered, how many books were distributed to the primary school students, whether the remaining students were also given new books and other related matters.

5. Let such report be filed within three weeks from date.

6.List the matter on January 30, 2025.”

5. In terms of the above order, the 6th respondent viz. the Chairman, District Primary School Council, Uttar Dinajpur was directed to file a report as to how many books were stolen, how many books were recovered, how many books were distributed to the primary school students, whether the remaining students were also given new books and other related matters.
6. In terms of the said directions, the District Inspector of Schools (PE), Uttar Dinajpur has filed a report dated January 7, 2025. In the report, it is admitted that around 1,99,075 number of books for the academic session 2023 went missing from the godown when opened for distribution of books on December 1, 2022. It is further stated that total number of missing books were actually 1,58,230 including both Hindi and Bengali medium books and around 40,845 number of books were lying in the godown, which were found during the inquiry by the police, which have been under the police custody and have been kept at Islampur S.I. Office. Thus, it is stated that the actual number of books that went missing since then were 1,58,230. However, the report states that a total number of 2,76,275 books were distributed among the students for the academic session 2023 and all the students

were benefited from the free school text books that had been supplied again from the West Bengal Text Book Corporation for the academic session 2023 within due time and not a single student was deprived from getting free text books. Thus it appears that the interest of the students for the academic session 2023 has been protected and safeguarded. However, what passes in the mind of this Court is that the two Godown Keepers, who are admittedly contractual employees, could not have masterminded the entire theft, where more than 1,58,230 books were stolen.

7. Thus, it *prima facie* appears to be a larger conspiracy. To be noted that charge-sheet has been led in the matter two years after the F.I.R. was registered, which was registered on December 2, 2022. Thus, we are of the view that a deeper and a more comprehensive probe is required to be made in the matter. For such purpose, we had *suo moto* impleaded the C.I.D., West Bengal as the 13th respondent in the writ petition. The C.I.D. should conduct an independent investigation in the matter and proceed to take appropriate action in accordance with law.
8. However, in the meantime, the trial of the criminal case, which is now pending before the Additional Chief Judicial Magistrate, Islampur Court at Uttar Dinajpur shall continue on a day to day basis and concluded at the earliest.

9. In the light of the above, the writ petition is disposed of by directing the 13th respondent to nominate one competent officer to independently investigate the entire episode. For such purpose, the officials of the Primary School Education Department shall extend full cooperation and the District Magistrate shall also extend cooperation and as and when information, documents and details are called for by the investigating officer to be nominated by the Additional Director General of Police, C.I.D., West Bengal, they should be promptly furnished and the investigation should proceed in an appropriate manner.
10. The learned advocate appearing for the 12th respondent, who is one of the accused in the criminal case submits that the 12th respondent is ready to face investigation and inquiry and he will cooperate with the same and all that is requested is that it should be done in a time-bound manner.
11. Considering the fact that much time has passed, we direct the investigating officer to be nominated by the Additional Director General of Police, C.I.D., West Bengal to commence and conclude the investigation and take the matter to its logical end by filing a charge-sheet within a period of twelve weeks from the date of receipt of server copy of this order.
12. No costs.

13. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)