

WPA 29879 of 2024

Mamani Jana
Vs.
The State of W.B. & Ors.

Mr. Moyukh Mukherjee
Mr. Abhijit Singh
Ms. Sagnika Banerjee
Ms. Sarmistha Basak ...for the petitioner.

Mr. Brajesh Jha
Mr. Uttam Basak ...for the UOI.

Mr. Swapan Kr. Banerjee
Mr. Debangshu Dinda ...for the State.

Mr. A. K. Maiti (Mohanty)
Mr. Bhaskar Prosad Banerjee
Mr. Debasish Tandon ...for NIA.

Heard learned counsels for the parties.

The petitioner is aggrieved by the fact that complaint lodged by her demonstrating scheduled offence has not been forwarded to the State government and thereafter to the Central government for investigation by the National investigation Agency in compliance with Section 6 of the NIA Act.

It shall be useful to reproduce Section 6 of the Act:-

“6. Investigation of Scheduled Offences (1) On receipt of information and recording thereof under section 154 of the Code relating to any Scheduled Offence the officer-in-charge of the police station shall forward the report to the State Government forthwith.

(2) On receipt of the report under sub-section (1), the State Government shall forward the report to the Central Government as expeditiously as possible.

(3) On receipt of report from the State Government, the Central Government shall determine on the basis of information made available by the State Government or received from other sources, within

fifteen days from the date of receipt of the report, whether the offence is a Scheduled Offence or not and also whether, having regard to the gravity of the offence and other relevant factors, it is a fit case to be investigated by the Agency.

(4) Where the Central Government is of the opinion that the offence is a Scheduled Offence and it is a fit case to be investigated by the Agency, it shall direct the Agency to investigate the said offence.”

In the present case, it is not in dispute that the complaint lodged by the petitioner demonstrates a scheduled offence.

In view of the proposition of law laid down in the Act itself, which has been clarified by the Hon'ble Supreme Court in the authority in State of West Bengal & Ors. vs. Suvendu Adhikari & Ors. reported in (2023) 20 SCC 184, the 4th respondent shall forthwith forward the complaint to the State government in terms of Section 6 (1) of the Act. The other authorities shall take necessary steps in accordance with the said provision of law.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)