

17.06.2025  
Item no. 71.  
Court No.2.  
Rakib

**In the High Court at Calcutta  
Circuit Bench at Jalpaiguri  
Criminal Revisional Jurisdiction**

**CRR 84 of 2025**

**Smt. Lomin Dolma Lama.  
VS  
State of West Bengal & Anr.**

Mr. Ajay Singhal,  
Mrs. Heena Yasmin Shaikh.  
.....for the Petitioner.  
Mr. Joyjit Chowdhury, Ld. AAG,  
Mr. Aditi Shankar Chakraborty, Ld. APP,  
Mr. Kallol Acharjee.  
...for the State.

Learned advocate appearing for the petitioner has challenged the continuance of Pundibari Police Station case no. 800/2023 dated 07.11.2023 wherein the case was initially registered under the relevant provisions of the Indian Penal Code and subsequently, the provisions relating to Prevention of Corruption Act, 1988 has been added.

Learned advocate for the petitioner submits that there are no accusations in the FIR so far as the present petitioner is concerned and the petitioner being the Additional District Sub-Registrar at the relevant point of time discharged his duties in consonance with the provisions of law adhering to the rules and in spite of the same she has been implicated in connection with the instant case.

Mr. Joyjit Chowdhury, learned Additional Advocate General appearing on behalf of the State submits that pursuant to certain directions passed by the Hon'ble High Court in a proceeding under Section 438 of the Code of Criminal Procedure, the petitioner was brought within the ambit of investigation. Subsequently, the petitioner approached this Court in the present revisional application and by an order dated 19.02.2025 a Coordinate Bench was pleased to stay the proceedings of Pundibari Police Station Case no. 800/2023 dated 07.11.2023. Mr. Chowdhury, learned AAG submits that the investigation of the case was under progress but since it has been stalled the investigating agency is unable to unearth the truth.

Having regard to the peculiar facts and circumstances of the case, particularly with regard to the letter of complaint which was addressed to the concerned Officer and the FIR being registered and the subsequent orders being passed wherein the petitioner was brought within the ambit of investigation, I direct that no coercive steps be taken against the petitioner until and unless the investigating agency find it impossible to proceed to the next stage of the case. In case such a stage is arrived, permission be sought for from the learned Special Court or the learned Chief Judicial Magistrate /Additional Chief Judicial Magistrate in seisin of the case, as the petitioner happens to be a government servant who is regularly available in the office and there is no scope for fleeing away or evading the proceeding. Petitioner on the other hand is directed to cooperate with the

investigating officer of the case so that the investigation of the case can be taken to its logical conclusion.

I am of the opinion that at this stage the investigation cannot be scuttled since the initial FIR makes out a case. So far as the complicity of the present petitioner is concerned the same is to be assessed by the investigating agency in course of the progress the investigation of the case. However, the investigating agency will keep in mind the aforesaid direction, so far as the liberty of the present petitioner is concerned.

With the aforesaid observations CRR 84 of 2025 is disposed of.

Pending applications, if any, are consequently, disposed of.

Interim order, if any, is hereby vacated.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Tirthankar Ghosh, J.)**