

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

CRR 480 of 2024

Manoj Kumar Sarkar

Vs.

The State of West Bengal & Anr.

For the petitioner :Mr. Kunaljit Bhattacharjee, Adv.

Mr. Haider Ali, Adv.

Mr. Satyam Sarkar, Adv.

Mr. Aloke Saha, Adv.

For the State :Mr. Nilay Chakraborty, Ld. APP

Ms. Narmata Das, Adv.

Heard On : :03.04.2025

Judgment On : :11.04.2025

Bibhas Ranjan De, J. :

1. The petitioner by invoking jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 (for short BNSS) has prayed for quashment of the charge sheet being no.

233 of 2024 dated 29.06.2024 arising out of Dhupguri Police Station Case No. 557 of 2023 dated 13.11.2023 corresponding to GR Case No. 5947 of 2024 under Sections 420/468/471/120B/219/34 of the Indian Penal Code (for short IPC) which is presently pending before the Chief Judicial Magistrate, Jalpaiguri.

Background:-

2. The instant prosecution finds its genesis from a petition dated 30.10.2023 filed by the opposite party herein under Section 156(3) of the Code of Criminal Procedure (for short CrPC) which in turn was forwarded to the I.C. of Dhupguri PS for investigation. Upon receipt, the concerned Police Station registered a specific case under Sections 420/468/471/409/120B/34 of the IPC and after thorough investigation filed a charge sheet against the petitioner and other accused under Sections 420/468/471/409/120B/34 of the IPC. Being aggrieved, the petitioner has preferred the instant revision application.
3. The main grievance contained in the petition under Section 156(3) of the CrPC is to the effect that after demise of the father of the complainant/opposite party herein, the

possession of land admeasuring 1.22 acres was distributed among the sole legal heirs of the deceased i.e. the complainant and his two sisters who had acquired the said land by virtue of inheritance. It is alleged that in 2021 the complainant came to know that the accused persons by means of a forged document cheated the complainant and his family members by transferring few decimals of land in their own names. It has been further alleged that the petitioner who is a Revenue Officer in collusion with other accused persons changed the record of rights and mutated the same in favour of the opposite party. It is also pertinent to mention that over this issue a Title Suit has been filed before the Civil Judge, Junior Division, 2nd Court Jalpaiguri vide Title Suit no. 671 of 2023 which is awaiting disposal.

Arguments advanced :-

4. Ld. Counsel, Mr. Kunaljit Bhattacharjee, appearing on behalf of the petitioners has vehemently submitted that the petitioner being a Government Official holding designation of Revenue Officer under the aegis of Dhupguri Block Land and Land Reforms Officer (for short B.L.L.R.O.) only committed the alleged act in discharge of his official duties in good faith. In

the given circumstances, the petitioner is entitled to get statutory protection under Section 58 (1) of the West Bengal Land Reforms Act, 1955 (for short WBLR Act) which is provided to public officers attached with the Land Reforms Department for due discharge of function under the said act in good faith.

5. Before parting with, Mr. Bhattacharjee has contended that the over the self same dispute admittedly a title suit is pending and therefore allowance of further continuation of the instant criminal prosecution would be an abuse of the process of law.
6. Per contra, Mr. Niloy Chakraborty Ld. Additional Public Prosecutor appearing on behalf of the State by refuting the submission of Mr. Bhattacharjee has vehemently submitted that during investigation Police has come across certain evidence in order to prima facie make out the alleged offences against the petitioner and raises a formal objection against quashment of the proceedings.
7. None appears on behalf of the opposite parties.

Analysis:-

8. Before delving into the intricacies of the case at hand, it would be profitable to first reproduce the specific provision of Section 58 of the WBLR Act which runs as follows:-

“58. Protection of action taken under this Act.- (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered by virtue of any provisions of this Act or by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.”

9. Now coming to the case at hand, the petitioner is admittedly a Revenue Officer under the B.L.L.R.O. of Dhupguri, who disposed of an application under Section 50 of the WBLR Act thereby mutating certain shares of land on the basis of field inquiry and possession in favour of one Surath Chandra Roy. From the materials on record, it has come to the notice of this Court that certain procedural formalities were complied with by the petitioner. If the complainant felt unhappy with the order of the petitioner he ought to have filed an appeal before the District Land Reforms Officer in accordance with the provision of Section 54 of the WBLR Act. If the opposite party

was still aggrieved with the order of the District Land Reforms Officer, the appropriate forum for further challenge was the Ld. West Bengal Land Reforms & Tenancy Tribunal. Therefore, a specific prescribed procedure was available to the opposite party to challenge the order passed by the petitioner but the opposite party pried into the track of criminal prosecution.

10. Now, even if the story of the complainant with regard to the fact that the petitioner has wrongly made alteration in the record of rights, is said to be gospel truth still it does not prima facie make out any criminal liability on the petitioner in connection with the instant revision application. Moreover, admittedly a civil litigation being a Title suit is pending before the concerned Court of Civil Jurisdiction. To add to that, a careful perusal of the charge sheet would suggest that no incriminating material has been collected to prima facie make out any case against the petitioner who only observed his duty in official capacity.

11. Taking the risk of repetition it would be pertinent to mention that under the auspices of the WBLR Act, the B.L. & L.R.O. possesses exclusive jurisdiction over the rectification and modification of records of rights, thereby rendering their

decisions authoritative and binding. Consequently, any individual aggrieved by such an order may seek redress by preferring an appeal before the District Land and Land Reforms Officer, thus providing a vital safe guard against protection injustices and ensuring that the principles of fairness and equity are upheld in realm of land administration. The allegation made in this case cannot lead to any criminal liability in terms of protection provided in Section 58(1) of the WBLR Act.

12. Due deliberation of the provision of Section 58 (1) of the WBLR Act would make it abundantly clear that the intention of the legislature is to provide protection to the Government officials attached to the Land Reforms Department against criminal charges for acts performed in good faith while discharging official duties.

13. In the above conspectus, this Court has no option left but to exercise inherent jurisdiction under Section 528 of the BNSS to quash the criminal proceedings in connection with GR Case No. 5947 of 2024 arising out of Dhupguri Police Station Case No. 557 of 2023 against the petitioner **only**.

14. As a sequel, the instant revision application being no. CRR 480 of 2024 stands allowed.
15. Connected applications, if there be any, stand disposed of accordingly.
16. All parties to this revision application shall act on the server copy of this order downloaded from the official website of this Court.
17. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

[BIBHAS RANJAN DE, J.]