
(2018) 05 CAL CK 0112
In the Calcutta High Court
Case No : Writ Petition14258 (W) of 2017

Ganesh Das

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 03-05-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 156(3)

Citation : (2018) 05 CAL CK 0112

Hon'ble Judges : TAPABRATA CHAKRABORTY, J

Bench : Single Bench

Advocate : Arindam Sen, Gazi Faruque Hossain, Saurav Basu, Ranjana Har Chowdhury, Subhabrata Datta, Sanatan Panja, Bikash Ranjan Bhattacharyya, Debabrata Saha Roy, Ohiman Sengupta, Arnab Sengupta, Sagar Saha, S. Saha

Final Decision : Disposed Of

Judgement

The present writ petition has been preferred, inter alia, praying for issuance of necessary direction upon the Officer-in-Charge of Singur Police Station

to investigate into the dispute considering the application under Section 156(3) of the Code of Criminal Procedure, 1973 (in short, the said Code) and to

complete such investigation within a stipulated period.

Mr. Sen, learned advocate appearing for the petitioner submits that the petitioner approached this Court earlier by a writ petition being W.P. 606 (W)

of 2017 alleging inaction on the part of the police authorities to take steps on the basis of the complaint dated 10th November, 2016 lodged by the

petitioner stating that the officer bearers of Siliguri Thana LSPA Co-operative Marketing Society Limited are involved in a large scale

misappropriation of public property entrusted with them.

Upon contested hearing the said writ petition was disposed of by an order dated

18.1.2017 observing, inter alia, that it would be open to the petitioner to approach the criminal Court, in accordance with law and any action instituted by the petitioner before the Criminal Court will, however, be subject to the findings of the appellate authority in the pending case instituted by the private respondent no.10 therein, in accordance with law.

Mr. Sen submits that pursuant to the said order an application was preferred under Section 156(3) of the Code of Criminal Procedure. An order was passed directing the officer-in-Charge, Siliguri Police Station to investigate the case treating the petition as an F.I.R. He further argues that even thereafter no steps were taken by the police authorities to investigate into the complaint and aggrieved thereby, the petitioner had to approach this Court again by the present writ petition. Records reveal that the present writ petition was heard on several occasions, the case diary was called for and the police authorities were directed to apprise this Court about the stage of the investigation.

Mr. Bhattacharyya, learned senior advocate, assisted by Mr. Saha Roy, learned advocate, appears for the respondent no.10 and submits that pertaining to the same issue a public interest litigation was preferred and the same was dismissed. Mr. Datta, learned advocate appearing for the State respondents submits that the investigation is in progress and the same would be completed preferably within a period of two months from date.

In view of such submission of Mr. Datta, this Court is of the opinion that no useful purpose would be served by keeping the writ petition pending and the same is, accordingly, disposed of directing the police authorities to conclude the investigation positively within a period of three months from date.

There shall, however, be no order as to costs. Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties upon compliance of all necessary formalities.