

18 27.9.2021

gd/ssd

WPA(P)/223/2021
SWAPAN KUMAR KARMAKAR
VS

THE STATE OF WEST BENGAL AND ORS.
(Through Video Conference)

M/s. S.N. Mookherjee,
Advocate General (Through VC),
Raja Saha and
Nilotpal Chatterjee, Advocates (Present in Court)
..for the State.

M/s. Subhamoy Bhattacharya,
Ananda Gopal Mukherjee and
Shankar Mukherjee, Advocates (Present in Court)
..for the Respondent Nos.8 and 9.

* * * *

Report of the Officer-in-Charge, Matia Police Station of Basirhat Police District, North 24-Parganas dated September 26, 2021 filed in Court is taken on record.

Number of documents placed on record with the report are in vernacular language. Though we have taken the report on record, as such, however, any report to be filed in future has to be in the form of affidavit of the person, who is filing the same. Hence, the detailed report in the form of affidavit need to be filed.

The case pertains to a Police Station Case No.210 of 2021 dated June 02, 2021 registered by the police. In this case truck loads of material with logo of the Government of West Bengal, Disaster Management Civil & Defence Department, which was meant to be

WPA(P)/223/2021

distributed to the persons who suffered during Amphan-2020, was recovered by police.

The learned Advocate General submitted that in the investigation being carried out it is found that the beneficiaries had sold the relief material supplied to them by the government otherwise on record with all the authorities who had delivered the material to the beneficiaries no hanky panky was found.

This does not satisfy the Court as the individual sale of material by the beneficiaries will not be found loaded in trucks in large number. Apparently the investigation is being misdirected to close the same or save some persons, who are involved in the crime.

It was further pointed out that the petitioner is also not interested to pursue the present writ petition. When the writ petition was taken up for hearing, no one had appeared for the petitioner.

It was the position of the last three dates of hearings. We do not find any good reason why the petitioner after filing the writ petition raising serious issues of misappropriation of the relief material, has stopped appearance in Court. We cannot leave the case as such where allegations are serious in nature. The FIR suggests that there was misappropriation of the relief material pertaining to Amphan-2020. We

WPA(P)/223/2021

treat this petition as suo motu taken up by the Court.

Mr. Uday Sankar Chattopadhyay, learned counsel, is requested to assist the Court as Amicus Curiae in the present petition.

The Registrar General of this Court is directed to supply a copy of the paper-book to Mr. Uday Sankar Chattopadhyay, Advocate.

Adjourned to November 22, 2021.

[Rajesh Bindal, C.J.(A)]

[Rajarshi Bharadwaj, J.]

e