

**S.C. (Spl.) No. 16 of 18 (26 of 18)**

10.01.2022

Today is fixed for order.

At the time of hearing Ld. Lawyer for the defacto complainant submitted that the investigation is not conducted in conformity with Rule 7 of S.C. and S.T. (Prevention of Atrocities) Act. Moreover, the investigation was done in a perfunctory manner resulting in FRT, though there are sufficient documents to show the fact that there was an anomaly regarding disbursement of money and construction of house in the name of defacto complainant Gopinath Mandi.

Ld. PP raised objection and submitted that the allegations are not correct and the investigation was also conducted by an officer in the rank of Deputy Superintendent of Police.

Heard both sides. Perused the petition, materials on record, C.D. etc. Considered.

It appears from the FIR that the allegations of the defacto complainant are regarding defalcation of money which was allotted in his name for construction of his house under Indira Awas Yojana and also for sending wrong information regarding construction of his house.

It appears from the CD that there is no copy of the rules as to how and in what manner the money in the name of a particular incumbent is to be deposited and whether it can be deposited in the bank account of the wife of the incumbent. The rules concerning this matter are absent in the CD.

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It appears also that there is anomaly as per statement recorded of the concerned bank officials and the documents like copies of bank pass book etc. are not found in the CD.

It appears from the statement of the Sridhar Chandra Roy, Bank Manager of BGVB that the amount was sent to Executive Officer, Kashipur by making a draft but there is no investigation as to who received the draft and whether it was given to the defacto complainant or not.

It also appears that the defacto complainant subsequently supplied his actual bank account number and the statement of Deputy Manager, BGVB shows that the said amount was sent through bank draft on 07.12.2017 to Executive Officer, Kashipur, but even if the defacto complainant supplied his actual bank account there is nothing stated about depositing the said bank draft in the bank account of Gopinath Mandi.

The statement of Madhab Chandra Mahajan, Deputy Manager of BGVB, Kashipur also shows that the amount sanctioned in the name of Gopinath Mandi was mismatched and thereafter it was sent by way of bank draft to the Executive Officer, Kashipur. The statements of Shankar Bouri and Debdas Besra show that the report, completion certificate etc. have not been maintained properly in the Panchayat Office.

One document duly attested by Secretary, Kalidaha Gram Panchayat shows that the house of beneficiary Gopinath Mandi has been completed. The 161 Cr. P.C. statement of the witnesses show that information was sent about completion certificate regarding the house of the defacto complainant and there is serious anomaly between the document and the statement of the witnesses. Another document of Secretary, Kalidaha Gram Panchayat shows that three installments were transferred in favour of the present defacto complainant. According to the statement of the bank the amounts were mismatched due to incorrect bank account number and it was thereafter sent to Executive Officer, Kashipur. If the said house has not at all been constructed then how completion certificate was issued by the Inspecting Officer in the software.

Considering the entire CD it appears that there is a scope of further investigation in this regard as it appears that money was sanctioned and as the account number was incorrect initially the sanctioned money was sent through bank draft by the bank itself and though the incumbent supplied the correct bank account number the money was not received by him and then where does it gone and how wrong informations were uploaded even after inspection.

The decisions submitted by Ld. Lawyer for the defacto complainant regarding non compliance of Rule 7 of SC and ST (Prevention of Atrocities) Rules like 2000 CRI. L.J. 956, 2015 CRI. L.J. 2958 show that in the said decisions investigation was made by Inspector rank police officer and hence, the said decisions are not applicable in the present case, as per my humble view.

Under such circumstances let the present case be again sent for further investigation by a police officer of DSP rank regarding the allegation given by the defacto complainant Gopinath Mandi.

Let a copy of this order be sent to Superintendent of Police, Purulia for compliance.

To 10.02.2022 for further report.

Dictated & Corrected by me

Addl. Sessions Judge  
1<sup>st</sup> Court, Purulia.

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