

17.05.2023

Sl. No. 29

Srimanta

Ct.No. 42

CRR/1464/2023

In the matter of : **Subhabrata Pal**

Mr. Debasish Roy,
Ms. Sonali Das

...for the petitioner.

Father of the petitioner was MR Dealer in respect of retail price shop at a place within Daspur Police Station. He died in the year 2018. Thereafter, the dealership was transferred in the name of mother of the petitioner. Mother of the petitioner also died on 17th October, 2022. The enquiry report submitted by the Sub-Divisional Controller (F&S), Ghatal dated 2nd November, 2022 does not reveal as to whether the said shop was open after the death of the mother of the petitioner. It is alleged by the *de facto* complainant that during the lifetime of the mother of the petitioner for the period between October, 2021 and August, 2022 the petitioner in collusion with one Hemanta Santra who is a Data Entry Operator in the office of the Food and Supplies Department at Ghatal, Paschim Medinipore manipulated various categories of forms including form –IV in collusion with the present petitioner. No document is filed to the effect that the petitioner was hand in glove with Hemanta Santra and misappropriated the articles received for the delivery to the ration cardholders or committed cheating. Moreover, Section 409 does not attract against the petitioner.

In view of such circumstances, the instant revision is admitted.

Petitioner is directed to serve notice upon the private opposite party under registered speed post with acknowledgement due and file affidavit-of-service within two weeks after vacation. The State of West Bengal be served through the learned Public Prosecutor, High Court, Calcutta.

In the meantime, though Police authority is permitted to proceed with the investigation no coercive step shall be taken against the petitioner till 15th August, 2023.

Liberty to mention.

(Bibek Chaudhuri, J.)