

Calcutta High Court - Appellate side

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Case Details

Case Type	: WPA		
Filing Number	: 3874/2025	Filing Date:	18-02-2025
Registration Number	: 4022/2025	Registration Date:	18-02-2025
CNR Number	: WBCHCA-007943-2025		

Case Status

First Hearing Date	: 10th March 2025
Next Hearing Date	: 10th March 2025
Stage of Case	: NEW MOTION
Coram	: 265721HON'BLE JUSTICE AMRITA SINHA
Bench	: Single Bench
State	: West Bengal
District	: DINAJPUR UTTAR
Judicial	: MANDAMUS SECTION
Causelist Name	: Daily List
Not Before Me	:

Petitioner and Advocate

1) KRISHNA PADA SARKAR Advocate- RANOJOY CHATTERJEE
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Respondent and Advocate

1) THE STATE OF WEST BENGAL AND ORS.

Acts

Under Act(s)	Under Section(s)
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Subordinate Court Information

Court Number and Name	:---
Case Number and Year	: 0
Case Decision Date	:--
state	:
District	:

History of Case Hearing

Cause List Type	Judge	Business On Date	Hearing Date	Purpose of hearing
Daily List	HON'BLE JUSTICE AMRITA SINHA		10-03-2025	NEW MOTION

Orders

Order Number	Order on	Judge	Order Date	Order Details
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Category Details

Category	GROUP A (WRIT MATTERS) (1)
Sub Category	Residuary (26)

OBJECTION

Sr.No.	Scrutiny Date	OBJECTION	Compliance Date	Receipt Date
1	18-02-2025	All Objections are Complied	--	--

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DISTRICT: UTTAR DINAJPUR

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. NO. OF 2025

IN THE MATTER OF:

An application under Article 226 of the
Constitution of India.

-AND-

IN THE MATTER OF:

Krishna Pada Sarkar, son of Late
Gourpada Sarkar, aged about 68 years,
residing at Raiganj, Tulshipara, Post
Office and Police Station- Raiganj,
District- Uttar Dinajpur, West Bengal,
PIN-733134.

....Writ Petitioner.

-Versus-

1. State of West Bengal, service
through the Principal Secretary,
Department of Judicial, having his
Office at Writers' Building, 1st floor,
Main Block, Kolkata - 700001.

2. The Learned District and Sessions Judge, Uttar Dinajpur, having His office at SH 10A, Raiganj, District- Uttar Dinajpur, West Bengal, PIN- 733134.

3. The Learned Additional Sessions Judge, 1st Court at Raiganj, District- Uttar Dinajpur, having his office at SH 10A, Raiganj, District- Uttar Dinajpur, West Bengal 733134.

....Respondents

To

The Hon'ble T.S. Sivagnanam, Chief Justice and His Companion Justices of the said Hon'ble Court.

The humble petition on behalf of the petitioner named above,

MOST RESPECTFULLY SHEWETH:-

1. Your petitioner is a peace loving and law abiding citizen of this country and is a resident of the address mentioned in the Cause Title of this instant Writ Application.

2. Your petitioner states that he had been acquitted in a case detailed T.R. Case Number 08/2017 corresponding to GR Case Number 623/2001 under Sections 467/468/471/477A/120B/420/409 of the Indian Penal Code, 1860 presently pending before the Court of Learned Additional Sessions Judge, 1st Court-cum-Judge Special Court (NDPS ACT), Raiganj, District- Uttar Dinajpur, West Bengal only on the ground of benefit of doubt but he had filed an application for modification of the said Judgment dated 26th June, 2020 and the last date of the said case was 9th January, 2025 and the next date has been fixed on 24th April, 2025 for hearing of the modification application. The petitioner had submitted an application for getting the certified copies of all the documents seized during investigation which were mentioned in the Charge Sheet and the said application for receiving certified copies was filed on 19th December, 2024 but even after close to two months have elapsed yet the certified copies have not been received by the petitioner which is his primary and principal grievance for which this instant writ application has been filed before this Hon'ble Court.

A copy of the application for certified copy dated 19th December, 2024 is annexed herewith and marked as "P-1".

3. Being aggrieved by and dissatisfied with the inaction/non action on the part of the respondent authorities particularly the respondent

numbers 1 to 3, your petitioner begs to move this application under Article 226 of the Constitution of India, inter alia on the following:-

GROUNDS:

- I. For that the actions of the respondent numbers 1 to 3 are arbitrary in nature and is against the provisions of the Constitution of India.
 - II. For that there has been violation of the Fundamental Right to life and personal liberty of the petitioner as enshrined in Article 21 of the Constitution as because his right to receive the certified copies as duly applied for was infringed by the respondent numbers 1 to 3.
 - III. For that there has been violation of the Fundamental Right to life and personal liberty of the petitioner as enshrined in Article 21 of the Constitution of India as because his right to dignity was infringed through such failure to provide the Certified Copy as duly applied for by the petitioner vide application dated 19th December, 2024.
4. Your petitioner submits that in view of the facts and circumstances stated hereinabove an order be passed directing the State Respondents specifically the respondent nos. 2 and 3 to take steps in order to provide the petitioner the certified copies of the

documents as mentioned in his application for certified copy dated 19th December, 2024 after ensuring that all the formalities have duly been complied with by the petitioner.

5. The records of the case are lying with the respondents within the appellate jurisdiction of this Hon'ble Court.

6. Your petitioner further state that any further letter of demand for justice would be nothing but an empty formality.

7. The relief sought for herein, if granted will afford complete justice to the petitioner.

8. There is no other alternative or efficacious remedy available to your petitioner than to prefer this application and the relief(s) prayed for herein, if granted will give your petitioner full and complete relief.

10. On the self same facts and cause of action no other application has been filed by your petitioner before this Hon'ble Court, or any other appropriate Court.

11. This application is made *bona fide* and for the ends of justice.

In the aforesaid circumstances it is most respectfully prayed that Your

Lordships may graciously be pleased to issue:-

(a) A writ of or in the nature of mandamus directing the directing the State Respondents specifically the respondent nos. 2 and 3 to take steps in order to provide the petitioner the certified copies of the documents as mentioned in his application for certified copy dated 19th December, 2024 after ensuring that all the formalities have duly been complied with by the petitioner.

(b) A writ of or in the nature of certiorari directing the respondents to produce all records of the instant case before this Hon'ble Court so that the same may be perused and appropriate orders be passed so that conscionable justice may be done.

(c) *Rule Nisi* in terms of prayers (a) and (b)above;

(d) Costs of and incidental to this application;

(e) Such further order(s), direction(s) as to this Hon'ble Court may deem fit and proper.

And for this act of kindness, your petitioner as in duty bound shall ever pray.

DISTRICT: UTTAR DINAJPUR
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P. A. NO. OF 2025

IN THE MATTER OF:
An application under Article 226 of the
Constitution of India.

-AND-

IN THE MATTER OF:
Krishna Pada Sarkar
...Writ Petitioner.

-Versus-

State of West Bengal & Ors.

...Respondents.

PETITION

Ranojoy Chatterjee
Advocate
High Court, Calcutta
Chamber: FE-107, Sector-III, Salt
Lake City, Kolkata-700106.
Mob: 6290415247
Email: advranojoy@gmail.com
Enrolment No: F/828/757/2018

DISTRICT: UTTAR DINAJPUR

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P. A. NO. OF 2025

IN THE MATTER OF:

An application under Article 226 of the
Constitution of India.

-AND-

Subject matter relating to:

Under Group - IX, Head (NIL) of the
Classification List under NO ACT.

CAUSE TITLE

Krishna Pada Sarkar

...Writ Petitioner.

-Versus-

State of West Bengal and Others.

...Respondents.

ADVOCATE ON RECORD:

Ranojoy Chatterjee
Advocate
High Court, Calcutta
Chamber: FE-107, Sector-III,
Salt Lake City, Kolkata-700106.
Mob: 6290415247
Email: advranojoy@gmail.com
Enrolment No: F/828/757/2018

DISTRICT: UTTAR DINAJPUR

IN THE HIGH COURT AT CALCUTTA
 CONSTITUTIONAL WRIT JURISDICTION
 APPELLATE SIDE

W.P.A. NO. OF 2025

IN THE MATTER OF:

An application under Article 226 of the
 Constitution of India.

-AND-

IN THE MATTER OF:

Krishna Pada Sarkar

...Petitioner.

-Versus-

State of West Bengal and Others

...Respondents.

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Sl. No.	Particulars	Annexure	Pages
1.	List of dates		
2.	Points of Law		
3.	Writ Petition with affidavit		
4.	Copy of the application for certified copy dated 19 th December, 2024	"P-1"	

LIST OF DATES

19th December, 2024 The date of the application for certified copy.

9th January, 2025 The last date fixed for the case in which application for certified copy was made.

24th April, 2025 The next date fixed for the case.

POINTS OF LAW

- I. Whether the petitioner's right to life was violated by the inaction of the respondent authorities?
- II. Whether the respondent no. 3 erred in law by not taking steps in order to provide the certified copy to the petitioner?
- III. Whether the respondent numbers 2 and 3 can be directed by This Hon'ble Court to provide the certified copy of the documents as mentioned in the application for certified copy dated 19th December, 2024?
- IV. Whether the inaction/ non-action of the respondent authorities are otherwise bad in law?

SYNOPSIS

The case of the petitioner is that he is aggrieved by the non provision of the Certified Copy of the documents which were mentioned in the seizure list that was submitted along with the charge sheet. An application for certified copy was made before the respondent no. 3 on 19th December, 2024 but the said application has not been disposed of and the certified copy has still not been provided to the petitioner. Hence, citing this inaction of the respondent nos. 2 and 3 this instant writ application has been filed before this Hon'ble Court.

GIST OF THE IMPUGNED OVERACTION/ORDER

An application for certified copy was made before the respondent no. 3 on 19th December, 2024 but the said application has not been disposed of and the certified copy has still not been provided to the petitioner. Hence, citing this inaction of the respondent nos. 2 and 3 this instant writ application has been filed before this Hon'ble Court.

It is requested that one certified/uncertified copy of each of the documents in the undermentioned case which was disposed on...../...../..... is still pending may be furnished.

The following stamps sheets and stamps on filed herewith-

Stamps sheet at 4 as	Court fee stamps at 4 as	Stamps for authentication
Regi. no: <u>T.R. 08/2017</u>	<u>122/13</u> <u>19/12/24</u>	

Class of case Number and year	Name of parties	Date of final decree of order, if passed	Description of documents with date where necessary	Object of copy if applicant is not party or his pleader/advocate
<u>TR. 02/2010</u> In the Court of The Special Judge Cum Adl. Sessions Judge, 1st Court, Raigarh	<u>State</u> - - - <u>Krishna Red. Sankar</u> - Appellant	<u>Final Decree</u> on <u>09/01/25</u>	<u>1) Certified copies of properties/articles/documents seized during investigation which are stored in charge sheet Sl. no. 11 (Contents No. 1 to 35)</u>	<u>For High Court writ petition case.</u> <u>Aloke Kumar Jha</u> 19-12-24

Date.....19/12/.....2024

Signature of applicant: ALOKE KUMAR JHA
Advocate
Enrolment No. V.B. 1091/1977
notified prob. No. 9434052474

Office Report	Estimate or costs (excluding what has been filed)	Estimated stamp, etc.
	Rs. P. Stamp sheets at 4 as.	notified prob. No. -9434052474 Applicant's Signature
The copy will cover	Court free stamps at 4 as	Estimated stamps, etc.
-English folios	Stamps for authentication	Supplied on -
1-Vernacular folios	Extra Stamps for Urgency- Searching fee ion Stamps-	Applicant's Signature
70 folios	<u>File - 01.</u> <u>P - 130</u> <u>CF - 385/2</u>	Extra stamps, etc.
Searching fee is/is not required	TOTAL-	notified on-
	Date	Applicant's Signature
	Head Comparing Clerk extra	Extra stamps, etc.
	Extra stamps sheets at 4 as	notified on-
	Extra court fee stamps at 4 as	Applicant's Signature
	Extra stamps for authentication	Record received on
	TOTAL-	Copy will be ready on
	Date-	Copy actually on
	Head comparing Clerk	Copy delivered on

18/01/25
Date Clerk

Received an application for copy bearing the above number To attend for
 Estimated stamps and stamp sheets valued at Rs. P.
 Extra stamps and stamps sheets valued at Rs. P.
 To attend for copy on-
 Date-
 Head Comparing Clerk