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ORDER SHEET

Order Date	Order No.	Order
08.06.2026	01	Case Reference No. : LWB/25/2026 Sanjay Kumar Jha House No.3, Road No.7, Gandhi Murti East, Patel Nagar, Patna, Bihar PIN - 800023 ... Complainant -Vs - Commissioner of Police, Bidhannagar Police Commissionerate ... Respondent. With Case Reference No. : LWB/26/2026 Sanjay Kumar Jha House No.3, Road No.7, Gandhi Murti East, Patel Nagar, Patna, Bihar PIN - 800023 ... Complainant -Vs - Commissioner of Police, Bidhannagar Police Commissionerate ... Respondent. Two complaints supported by affidavit received from the complainant Sanjay Kumar Jha be registered as Case No. LWB/25/2026 and Case No. LWB/26/2026.

In the complaint in connection with Case Reference No. LWB/25/2026, the complainant states that he filed multiple RTI applications with the Bidhannagar Police Commissionerate between December, 2025 and May, 2026 seeking record-based information concerning supervisory records, ATRs, electronic evidence handling, forensic chronology, departmental proceedings and other connected administrative records. But, the concerned Information Officer of Bidhannagar Police Commissionerate has been issuing replies to the applications made by him under Right to Information Act are substantially identical which the Information Officer issued earlier. In the complaint in connection with Case Reference No. LWB/26/2026, the complainant, by referring to the order dated 14.05.2026 passed by this Forum, complains of inconsistencies with regard to the following items :

- (a) Seizure of electronic device(s);
- (b) Date of seizure;
- (c) Preservation of electronic evidence;
- (d) Alleged forwarding of electric device(s) for forensic examination;
- (e) Certified RTI records concerning non-forwarding of any mobile device upto 13.01.2026 and
- (f) Chronology reflected in different official records maintained, supplied relied upon or referred to by the public authority.

In the aforesaid factual matrix, the complainant questions the integrity of official record, administrative responsibility and supervisory responsibility of the concerned office/officer of Bidhannagar Police Commissionerate.

As it appears, the complainant previously brought a complaint registered as LWB/66/2025 and the complaint has

		been disposed of by order dated 14.05.2026 passed by this Forum. As this Forum finds, the allegations in both the two complaints on hand are substantially identical with the allegations made by the complainant in connection with Complaint No. LWB/66/2025. The Complaint No. LWB/66/2025 has been disposed of by this Forum vide order dated 14.05.2026 with the following observation and direction : <i>“The complainant alleges that SI Md. Motahar Hossain Halder of Baguiati Police Station, in abuse of his power, ignored, digital evidence and thereby obstructed justice in connection with an FIR No.0376/2025 dated 13.06.2025. After completion of investigation, the Investigating Officer, SI Motahar Hossain Halder submitted a charge sheet being Charge Sheet No.586/2025 dated 31.07.2025 to the Learned Chief Judicial Magistrate at Barasat. The complainant complains that the charge sheet submitted by the Investigating Officer reports that no electronic evidence was found. But, the Supervisory Note (IOB No.263/2025 dated 14.06.2025) and GDE No.35 dated 01.07.2025 explicitly noted that the Investigating Officer seized, preserved and sent electronic devices for forensic examination. Therefore, the aforesaid police officer, in abuse of power, submitted the charge sheet with falsity.</i> <i>I have perused the photocopies of documents annexed to complaint.</i> <i>As it appears, an FIR being No.0376/2025 of Baguiati Police Station was registered for investigation in connection with offences as stated in the relevant papers submitted by the complainant. As the version of the</i>
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	<i>complainant goes, the investigation conducted by the Investigating Officer in connection with the FIR has ended in a charge sheet being No.586/2025 dated 31.07.2025 and the charge sheet has been submitted to the Learned Chief Judicial Magistrate at Barasat, North 24-Paragans.</i> <i>It is the law that after a charge sheet is submitted to the concerned Court of Law and the concerned Court of Law takes cognizance of the offence as noted in the charge sheet, the proceeding then is set in motion before the concerned Court for adjudication.</i> <i>According to section 8(3) of the West Bengal Lokayukta Act, 2003, the Lokayukta shall not, except on a reference by a Court of Law, investigate any matter which is under adjudication by such Court of Law.</i> <i>Since the matter as placed by before this Forum is now under adjudication before the Court of Learned Chief Judicial Magistrate and as no reference has been made by the concerned Court to this Forum facilitating this Forum to conduct investigation, the complaint filed by the complainant is liable to be dismissed.</i> <i>Accordingly, the complaint is dismissed.</i> <i>Communicate this Order to the complainant immediately.”</i> The complainant, by filing the complaints as above, seeks review of the order passed by this Forum. But, there is no provision in the West Bengal Lokayukta Act, 2003 like the provision under Order 47 Rule 1 of the Code of Civil Procedure which empowers the Lokayukta to review its own order. On the other hand, as per Section 18(3) of the West Bengal Lokayukta Act, 2003, no proceeding, decision, finding or
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		recommendation of the Lokayukta shall be liable to be challenged, reviewed, quashed or called in question in any Court or Tribunal. In view of the above, the complaints filed by the complainant seeking review of the order dated 14.05.2026 in a round about manner are liable to be dismissed. As observed vide order dated 14.05.2026, the Lokayukta, in terms of Section 8(3) of the West Bengal Lokayukta Act, 2003, shall not, except on a reference by a court of law, investigate any matter which is under adjudication by such court of law. Admittedly, the offence as alleged by the complainant is now sub-judice before the Learned Chief Judicial Magistrate at Barasat, North 24-Parganas. If the complainant has any grievance as regards non-inclusion of any seized articles in the charge-sheet, the same will be decided by the Learned Trial Court. In such context, Learned Trial Court, in exercise of power under section 348, the Bharatiya Nagarik Suraksha Sanhita, 2003, may examine any person or witness not named in the charge-sheet if his evidence appears to the Learned Trial Court to be essential to the just decision of the case. In view of the above, both the two complaints are liable to be dismissed. Accordingly, the complaints are dismissed and the cases are disposed of. Communicate the order to the complainant immediately. Sd/- Justice Rabindranath Samanta Hon'ble Lokayukta
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