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WEST BENGAL
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Case Reference No. LWB/61/2008

ORDER SHEET

Order Date	Order No.	Order
02.09.2026	13	Smt. Sipra Adak D/o Prafulla Kumar Adak Vill. – Chaitanyapur P.O. – Lakshakuri, P.S. – Panskura Dist. – Purba Medinipur. ... Complainant -Vs - 1. Sri Bhakti Bhusan Ghorai S/o Late Niranjana Ghorai Vill – Mukundchak, P.O. – Bijayramchak, P.S. – Panskura, Block – Panskura No. 1, Dist – Purba Medinipur, PIN – 721 152. Member of Chaitannapur No. 2 Gram Panchayat 2. Smt. Puspa Rani Bera Wife of Sri Biswanath Bera Vill – Kismat Jagannathchak P.O. – Maguri Jagannathchak P.S. – Panskura, Dist. Purba Medinipur Pradhan, Chitannapur No. 2 Gram Panchayat Vill & P.O – Bijayramchak Dist. Purba Medinipur 3 Angura Bibi Daughter of Sk. Nasiruddin, Vill – Udaypur, P.O. – Bijayramchak P.S. – Panskura, Dist. Purba Medinipur Upa-Pradhan of Chaitannapur No. 2 Gram Panchayat Vill & P.O. Bijayramchak, Dist. Purba Medinipur ... Opposite Parties. The File is put up today for passing necessary order on consideration of the Report received from the Sabhadhipati, Zilla Parishad, Purba Medinipur.

		This case has been registered on the basis of a complaint received from the complainant Smt. Sipra Adak. As required u/s 9(2) of the West Bengal Lokayukta Act, 2003, the complaint is accompanied by an affidavit. The complainant, in her complaint, alleges that on 07.11.2008 at about 01:15 p.m. while she with her assistants was working at 'Sahaj Tathya Mitra' Centre then the Opposite Party No. 1 Bhaktibhushan Ghorai, Ex-Member of Chaitanyapur-II Gram Panchayat, Opposite Party No. 2 Smt. Pushpa Rani Bera, Ex-Pradhan, Chaitanyapur-II Gram Panchayat and Aungura Bibi, Ex-Upa-Pradhan of the Gram Panchayat, all in drunken condition, trespassed upon the premises of 'Sahaj Tathya Mitra' Centre and abused the complainant and her assistants in filthy languages. Bhaktibhushan Ghorai slapped the complainant on her left cheek. While Pratima Adak, an assistant of the complainant came to rescue her from the clutches of those miscreants, Bhaktibhushan Ghorai assaulted her with fists and blow and tore away her wearing apparel. He also threatened her to rape and kill her. Because of riotous and aggressive behaviour of the miscreants, the complainant and her assistants became frightened and they started crying. The complainant informed the incident to the Block Development Officer, Panskura-I, the Officer-in-Charge, Panskura Police Station, Additional Superintendent of Police, Tamluk and the District Magistrate, Purba Medinipur and sought redressal of their grievances from them. The aforesaid miscreants, keeping the complainant and her associates under fear, told them to put their signatures on blank papers. Otherwise, they would implicate them in false criminal cases. Besides assaulting and outraging modesty of them, the miscreants looted away money in cash and machineries worth Rs.2.5 lakh from the centre.
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		Over the aforesaid incident, a complaint was lodged at Panskura Police Station which was diarized as G.D. Entry No. 494 dated 11.11.2008. Under the aforesaid facts and circumstances, the complainant seeks investigation into the complaint and punishment of the opposite parties. After receiving the complaint, this Forum, for the purpose of finding out whether a <i>prima facie</i> case existed or not, conducted a preliminary enquiry. During the preliminary enquiry, the complainant Smt. Sipra Adak, Smt. Pratima Adak, Dinesh Misra, Rani Khatoon and SI Narayan Chandra Mondal have been examined as witnesses on behalf of the complainant. Some documents produced on behalf of the complainant have been marked as exhibited documents. After conclusion of the preliminary enquiry, this Forum vide Order No. 05 dated 17.02.2009 has recorded finding that the allegations made by the complainant in her complaint have been established <i>prima facie</i> and the complaint warranted a full-fledged investigation against the Opposite Parties, public functionaries. By the same Order dated 17.02.2009, this Forum sought for approval of the Sabhadhipati, Zilla Parishad, Purba Medinipur to conduct investigation into the complaint in a full-fledged manner. By Order dated 13.06.2024, this Forum sought for submission of Action Taken Report from the Sabhadhipati, Zilla Parishad, Purba Medinipur, but to no effect. Thereafter, by Orders dated 30.01.2026, 20.04.2026, 10.06.2026 and 20.07.2026 sought for approval from the competent authority i.e. the Sabhadhipati, Zilla Parishad, Purba Medinipur. In compliance of Order dated 20.07.2026 which was also communicated to the Hon'ble Minister-in-Charge, Panchayats & Rural Development Department, Government of
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		West Bengal, the Sabhadhipati, Zilla Parishad, Purba Medinipur has submitted the Action Taken Report to this Forum. The Report of the Sabhadhipati reads as under : <i>“With reference to the subject cited above, I would like to state that upon verification on spot, it has been found that there is no Tathya Mitra Kendra functioning from the premises of Chaitanyapur-II Gram Panchayat at present.</i> <i>But, on verification of the spot, the applicant Smt. Sipra Adak who produced some documents i.e. (1) 10 years Lease Agreement with the then Pradhan. The Pradhan concerned informed to Block Development Officer, Panskura-I that one room of the ground floor may be provided for Tathya Mitra Kendra.</i> <i>It is learnt from the local people that centre was functioning for 5 to 6 months and then the centre was closed, the ground best known to the applicant. Since then there is no existence of such centre.</i> <i>Accordingly, this Action Taken Report is being submitted in compliance with the solemn order dated 20.07.2026 passed in Case No. LWB/61/2008.”</i> As the complaint and the deposition of the witnesses reveal, the Opposite Parties were Pradhan, Upa-Pradhan and Member of Chaitanyapur-II Gram Panchayat. Therefore, all of them are public functionaries. Section 2(3)(iv) of the West Bengal Lokayukta Act, 2003 provides that in case of the Pradhan, the Upa-Pradhan and the Members of a Gram Panchayat, Sabhadhipati of the Zilla Parishad of the concerned
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		District is the competent authority for according approval of conducting investigation into a complaint. As the Report of the Sabhadhipati, Zilla Parishad, Purba Medinipur shows, the Zilla Parishad inspected the spot and talked to the complainant Smt. Sipra Adak and verified an agreement for lease. It is in his report that the centre functioned for 5/6 months and thereafter, the centre was closed, the reason best known to the complainant. Since then, there is no existence of such centre at the premises of the Gram Panchayat. Though the Report of the Sabhadhipati does not speak in express terms whether the competent authority granted approval to conduct a full-fledged investigation or not, but the Report itself indicates that the competent authority does not want to proceed with the complaint further. Be that as it may, from the evidence on record, it appears that over the incident which took place on 07.11.2008, a written complaint was lodged at Panskura Police Station and on the basis of the written complaint one Panskura PS Case No. 265 dated 11.11.2008 u/s.s 147/149/323/354/379/506, IPC was registered against six accused persons including the Opposite Parties namely Bhaktibhushan Ghorai, Smt. Pushpa Rani Bera and Aungura Bibi for investigation. SI Narayan Chandra Mondal of Panskura Police Station who was the Investigating Officer of the aforesaid PS case in his deposition testifies that after taking up the investigation of the case, he inspected the premises in question and after completing the investigation, he submitted charge-sheet against all the accused persons u/s.s 147/149/323/354/379/506, IPC. This shows that the incident which is complained of in the
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complaint was investigated by the Investigating Officer SI Narayan Chandra Mondal and he after completion of the investigation submitted charge-sheet against all the accused persons. Therefore, the incident as alleged was or is under adjudication before the competent Court of Law. As Section 8(3) of the West Bengal Lokayukta Act enjoins, the Lokayukta, except reference from the concerned Court of Law cannot investigate any matter which is under adjudication before such Court of Law.

In view of the above, this Forum thinks that there is no justification to proceed with this case arising out of the aforesaid complaint.

Thus, the case is **closed** and the complaint is **disposed of** accordingly.

Communicate this order to the complainant immediately.

Sd/-
Justice Rabindranath Samanta
Hon'ble Lokayukta