

12.09.2022

Sl no. 1 to 4

Ct no. 2

P.M.

WPA/16358/2022
Vishwanath Pradhan
Vs
The State of West Bengal & Ors.
With
WPA/16357/2022
Santosh Rajak
Vs
The State of West Bengal & Ors.
With
WPA/16925/2022
Pawan Kumar Sharma
Vs
Union of India & Ors.
With
WPA/16929/2022
Sumona De Proprietor
M/s. S.K. Trading Co.
Vs
The State of West Bengal & Ors.

Ms. Anamika Pandey

... for Abhijit Pal

Mr. Anirban Ray, Ld. Govt. Pleader

Mr. T.M. Siddiqui,

Mr. D. Ghosh,

Mr. V. Kothari

.... For the State

Mr. Sukanta Chakraborty,

Mr. Navanil De,

Mr. Debnath Ganguly,

Mr. Aranya Saha,

Mr. R. Chakraborty,

Mr. Subhrajit Dey

... for the applicant in WPA 16929 of 2022

Learned Chairman, Bar Council of West Bengal
has submitted a report through the learned Registrar
General about the advocate named Avijit Pal showing

his Bar Council Registration No. F-1639/2012 enrolled on 11.01.2013 and showing the address as A-9/297, Kalyani, District Nadia, Pin 741235. Both the Notary Public Mr. Narendra Prasad Gupta and Samir Bhattacharyya were examined and their depositions have been recorded.

Jayanta Polley acting as a clerk in all these writ petitions and in some cases has acted as attorney of the writ petitioners for filing these writ petitions by virtue of fake power of attorney have been examined again in Court today. In course of examination he has deposed that he was never authorized by the writ petitioners to execute these power of attorneys and to affirm these affidavits and to file these Writ Petitions and in addition to the name of Advocate Abhijit Pal/Avijit Pal, he discloses the names of two other advocates namely Monideepa Banerjee and Goutam Banerjee of 4/1, Red Cross Place, Kolkata who have instructed him and paid him money to do all these things by acting as Advocate's clerk as well as by acting as Attorney of the Writ Petitioners on the basis of Powers of Attorney manufactured by the aforesaid Advocates and he also confessed that he has never seen the faces of these writ petitioners. He deposes that Avijit Pal/Abhijit Pal

named advocate who is advocate on record in all these writ petitions, he knows him and says that he sits in Bar Association, Room No. 13 in the High Court and he also confesses that he had no valid licence to act as Advocate's clerk even at the time of signing and filing these writ petitions and documents and his clerk's licence has already expired during the Covid period. But he does not give the actual date of expiry of his licence and he deposes that earlier he was the registered clerk of one advocate named Mr. A. K. Gayen. In his deposition he makes a statement that the aforesaid two advocates Monideepa Banerjee and Goutam Banerjee of 4/1 Red Cross Place, Kolkata has threatened him with dire consequences even of murdering him and his family members if he discloses anything in Court about all these affairs.

Neither Mr. Jayanta Polley nor the aforesaid two notary public could disclose whereabouts of Avijit Pal/Abhijit Pal and do not disclosed how many such type of writ petitions have been affirmed by them and powers of attorney have been executed and certified by them. The aforesaid two Notary Public confessed that they never verified or enquired about identity of the executors of Powers of attorney executed by the so called petitioners, at the time of

affirmation of affidavits before them or issuing notarial certificates to these Powers of Attorney in favour of the said Jayanta Polley who has filed these Writ Petitions where the said Abhijit Pal/Avijit Pal is Advocate-on-Record for all the Writ Petitions who is never appearing before this Court at the time of hearing of any of all these Writ Petitions.

This Court has taken a serious note of this practice of impersonation, forgery and fraud being committed in collusion with Advocates/fake advocates, clerks, Notary Public and there are many persons who are not coming into the picture.

Additional Director of General Police (CID), West Bengal and Commissioner of Police, Kolkata will take cognizance of all these matters and immediately initiate appropriate criminal proceedings by lodging formal FIR and thoroughly investigate the cases under their supervision and in course of investigation they will be entitled to interrogate all the relevant persons finding of having any link with these cases and they will be entitled to have custodial interrogation of the connected person and seize any relevant document from any person who they think have any relevance in these matters and are involved in this affair and file the progress report on 26th

September, 2022 in all these four cases. Both the Commissioner of Kolkata Police and Additional Director General of Police (CID) will coordinate each other in smooth investigation of these cases.

Henceforth no Notary Public or the Oath Administering Authority in subordinate judiciary will allow affirmation of any affidavit or certify any document without proper verification of the executants/deponent including the Advocates and advocate's clerks without their identification document like Aadhar Card/Voter's Identity Card/Bar Association identity card/Pan Card/Bar Council Registration document etc. and recording such registration numbers of the person who execute, affirm or indentify and sign those documents unless they produce, the department shall not allow affirmation and filing of any affidavit/petition/power of attorney/any document notarized or certified by Notary Public or any authority who have been authorized to certify or administer oath if these guidelines are not followed.

No document shall be allowed to be filed in this court or subordinate Courts by a clerk without verification and quoting of his licence/registration number.

Learned Registrar General shall convey this order to the Judicial Secretary, West Bengal who will issue proper notification for the Notary public with regard to the guidelines laid down in this order and the learned Register General shall convey this order to the Registrar of all the subordinate Courts both Civil and Criminal.

The department concerned of this Court shall furnish a copy of this order, certified copies of these four writ petitions and copies of depositions to the learned Government Pleader or any advocate authorized by him, within forty eight hours and the learned Government Pleader shall forward all these documents immediately after receiving the same to the Commissioner of Police and the Additional Director General of Police (CID), West Bengal who will immediately act as per direction given in this order and shall submit investigation progress report in Court on 26th September, 2022.

List these matters as 'specially fixed' on 26.09.2022

Let a plain copy of this order be provided to Mr. Siddiqui, learned Additional Government Pleader, West Bengal.

(Md. Nizamuddin, J.)