

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn. No.43 of 2024

Sri Chandan Debnath

.....Petitioner(s);

Versus

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. D.C. Roy, Advocate.

For Respondent(s) : Mr. Raju Datta, Public Prosecutor.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

29/11/2024

Heard Mr. D.C. Roy, learned counsel for the petitioner and Mr. Raju Datta, learned Public Prosecutor for the respondents-State.

2. The short prayer of the petitioner/complainant/informant is for an appropriate direction upon the investigating agency to conclude the investigation expeditiously in respect of the West Agartala P.S. Case No.243/2018 pending in the Court of learned Chief Judicial Magistrate, West Tripura, Agartala.

Initially petitioner lodged a criminal complaint on 24.09.2018 alleging fraudulent and unfair trade practices by accused persons who are respondents No.5 to 13 herein, as a result of which, he has suffered huge monetary loss. The gist of the petitioner's complaint is that he had booked a hotel at Tarapith in West Bengal through a travel website of which respondents No.5 to 13 are either the CEO or other officials. Despite making the booking, the hotel refused to acknowledge any such booking made in his name on the relevant date for his stay. Petitioner had to spend two nights on the streets of Tarapith and he fell ill. Thereafter on his complaint being C.R.(Misc) 77/2018,

the learned Chief Judicial Magistrate directed the Officer-in-charge, West Tripura P.S. to investigate the matter treating the complaint as FIR and submit a report. FIR No. West Agartala P.S. Case No.243/2018 was thereafter registered under Sections 120B/406/417/420/468/471/511/34 of the Indian Penal Code. After repeated instructions by the learned Court, a report was submitted on 31.03.2020 by the IO treating the entire case to be as a mistake of fact. On submission of final report, petitioner filed an objection. Thereafter, the learned Chief Judicial Magistrate, West Tripura, Agartala vide order dated 02.01.2021 directed further investigation by a police officer other than the IO of that case. The refrain of the petitioner is that despite several orders passed by the Court of learned Chief Judicial Magistrate, West Tripura, Agartala, till date investigation has not been completed. One of the recent orders dated 06.09.2024 passed by the learned Chief Judicial Magistrate, West Tripura, Agartala directing the IO to expedite investigation and submit a report by 16.12.2024 has been annexed in support of his allegation of delay and tardy investigation by the police. Therefore, petitioner has approached this Court to invoke the inherent jurisdiction of the Court under Section 482 of the Code of Criminal Procedure to prevent the abuse of the process of the Court and to give effect to orders passed under the Code.

3. Mr. Raju Datta, learned Public Prosecutor for the respondents-State, at the outset submits on instruction that the investigation would be completed within a period of 2(two) months. Therefore, the matter may be disposed of with suitable direction upon the investigating authorities to submit a report upon conclusion of the investigation within a period of 2(two) months.

4. In view of the aforesaid facts and circumstances and the submission made by the learned Public Prosecutor, the Investigating Authority shall endeavour to conclude the investigation in respect of the instant FIR expeditiously within a period of two months.

The instant criminal petition is disposed of.

(APARESH KUMAR SINGH), CJ



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