

14.09.2021.
Item no. 1.
Court No.13
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CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

W.P.A. No. 1210 of 2021
(Through Video Conference)

Aditya Birla Fashion and Retail Limited & Anr.
Versus
The State of West Bengal & Ors.

Mr. Somopriyo Chowdhury,
Mr. Soumava Mukherjee.

...For the petitioners.

Mr. Santanu Maitra,
Mr. Kapil Guha.

..For the State.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioners are aggrieved by the fact
that notwithstanding an FIR dated 7th July, 2021
against the private respondent under Section 406 of
the Indian Penal Code, the stolen cash has not yet
been recovered.

It is submitted that upon discovery of a
shortage of cash at the Alipurduar Collection Center of
the writ petitioners, found that the respondent no.5
was responsible for the same.

It is submitted that the respondent no.5 was
granted bail since no notice under Section 41A of the
Code of Criminal Procedure was issued.

Counsel for the State, Mr. Maitra, submits that the accused has tendered a cheque for an amount of Rs.16 lakhs and odd to the writ petitioners.

Counsel for the writ petitioners submits that the same has been dishonoured. Counsel for the State also submits that on prayer made by the Investigating Officer of the case, the learned Magistrate has directed inclusion of Section 406A of the Indian Penal Code in the FIR.

Be that as it may, Officer-in-charge, Jaigaon Police Station shall take expeditious steps to recover the stolen money from the accused. In addition thereto, it is expected that final report be filed before the jurisdictional Magistrate within 45 days from the date.

Since the respondents have not used any affidavit, the allegations made in this writ petition shall not be deemed to have been admitted by them.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)