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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(Via Video Conference)

W.P.O. No. 337 of 2020

SRI ASHOK KUMAR BHAGNANI @ ASHOK BHAGNANI
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 25th February, 2021.

Appearance:
Mr. Krishnendu Bhattacharya, Adv.
Ms. Somali Mukhopadhyay, Adv.
...for the petitioner

Mr. Debasish Ghosh, Adv.
...for the State

Mr. Ayan Bhattacharjee, Adv.
Mrs. Sreeparna Das, Adv.
Mr. Suman Majumder, Adv.
...for the respondent no. 7

The Court : The petitioner's primary grievance in the writ petition is that, despite having registered an FIR pursuant to an order passed by the concerned magistrate under Section 156(3) of the Code of Criminal Procedure, the police is not investigating properly regarding the allegation of forgery made by the petitioner. It is further submitted that the accused persons named in the FIR are not being arrested, neither the relevant documents recovered.

However, learned counsel for the private respondents submits that although the anticipatory bail of respondent no. 7 was refused, a pre-arrest bail

application was preferred by the respondent no. 7 on which, vide order dated December 15, 2020, a Division Bench of this Court directed that the petitioner shall not be arrested in connection with the case for a period of four weeks after the then on going X-mas vacation. It is submitted that, by virtue of the general order of extension passed by a Special Bench of this Court, all interim orders automatically stand extended, lastly till March 31, 2021 subject to further orders passed by the Special Bench.

It is also argued that arrest is not mandatory. However, the respondent no. 7 has already deposited the relevant documents which were asked for by the New Market Police Station in connection with P.S. Case No. 378 dated November 21, 2019 and, as such, there is no scope of alleging that the police are not investigated in the matter properly.

It appears that the grievance of the petitioner is substantially mitigated in view of the relevant documents, regarding which complaints of forgery were made, having been deposited by the respondent no. 7 before the police authorities for the purpose of cooperating with the investigation.

Arrest, as rightly pointed out by learned counsel, is not mandatory in such cases. As such, the police cannot be faulted merely for not having effected any arrest even with regard to respondent nos. 5 and 6. In such view of the matter, W.P.O. No. 337 of 2020 is disposed of by directing respondent no. 4 to conduct investigation into the matter in question to see that it reaches its logical conclusion as expeditiously as possible.

There will be no order as to costs.

Urgent certified photostat copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(SABYASACHI BHATTACHARYYA, J.)

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