

28.02.2022
Court No.13
Item No.32
AP

WPA 8129 of 2021

Suman Chowdhury

Vs.

The State of West Bengal and Ors.

(Through Video Conference)

Mr. Avishek Prasad

Ms. Ankita Dey

... For the Petitioner.

Mr. Ashim Ganguly

Ms. Sukla Das Chandra

... For the State.

The Inspector-in-Charge, Englishbazar Police Station, Ashis Das has filed a report in the form of affidavit dated 22nd February 2022. Likewise, the erstwhile Investigating Officer of the case, Rakesh Biswas of the Englishbazar Police Station has also filed a report by way of affidavit on the even date.

It appears from two affidavits that a particular property in which the petitioner is residing being the flat premises, was sold to the writ petitioner while it was under mortgage to the UCO Bank to secure a loan obtained by respondent No.5, Tanay Bhattachryya and his wife Anupama Bhattachryya.

It appears that on a complaint dated 7th January 2021 being Englishbazar Police Station Case No.34 of 2021 under sections 406/420 of the IPC was registered.

It further appears that in respect of another complaint of the writ petitioner a case being English Bazar Police Station case No.621 of 2021 dated 30th May 2021 was registered under Sections 406/420/468/323/379/34 of the IPC.

It appears from the affidavits that the investigation had progressed. Notices under Section 41A were issued and statements under Section 161 was also recorded. The accused persons, namely Tanay Bhattachryya and Anupama Bhattachryya, have surrendered before the Court and have been enlarged on bail.

There appears something amiss in the reports. The delay in pursuing such FIR remains unexplained and is unfortunate. It is expected that the investigations into the aforesaid two FIRs is completed as expeditiously as possible preferably within a period of one month from date.

Since the two FIRs being No.621 of 2021 and 34 of 2021, relate to the same incident, they should be clubbed and common report must be submitted to the jurisdictional magistrate within the aforesaid period.

Copies of the FIR be made available to the counsel for the writ petitioner.

The aforesaid direction shall be complied with by Ashis Das, Inspector-in-Charge, Englishbazar Police Station.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)