

S/L 62
16.06.2022
Court. No. 19
GB

WPA 7341 of 2022

Debasis Bose
VS
The State of West Bengal & Ors.

*Mr. Utpal Basu,
Mr. Supratim Laha,
Mr. Nasiruddin Molla.*

...for the Petitioner.

*Mr. Raja Saha,
Mr. Biswabrata Basu Mullick.*

...for the State.

*Mr. Reetobroto Kr. Mitra,
Mr. Debangshu Dinda,
Mr. Krishnaditya Chakraborty.*

...for the Respondent Nos.10 & 12.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner complains of police inaction. According to the petitioner, the investigating authority, namely, the Officer-in-Charge, Thakurpukur Police Station has not been conducting the investigation in a judicious manner and with the expedition that it deserves.

Reliance has been placed on the direction of the learned ACJM, Alipore. The allegation is that, although an FIR was registered and an investigation was initiated, there has been no progress in the investigation at all.

The learned advocate for the respondent nos.10 to 12 submits that the petitioner himself is a majority shareholder in the company, against which allegations of fraud, misrepresentation to public etc. have been made. It is further stated that if the petitioner complains of oppression and

mismanagement, the remedy would be before the appropriate forum.

Mr. Basu, learned senior advocate appearing on behalf of the petitioner submits that the petitioner has already taken steps before the appropriate forum with regard to the dispute between the directors. In this case, the petitioner wants the investigating agency to look into the allegation of fraud and misrepresentation to the public, in order to prevent a financial scam similar to those, which are already pending adjudication before the appropriate forum.

It appears that the police authorities have already registered an FIR. Investigation is going on. Notices under Section 41A and Section 91 of the Code of Criminal Procedure have been served. However, as the apprehension of the petitioner is this that the public may be cheated if the investigation is not concluded expeditiously, the writ petition is disposed of with a direction upon the Officer-in-Charge, Thakurpukur Police Station to conclude the investigation within a period of four months from date of communication of this order.

This Court has not gone into the merits of the claims and counter-claims of the parties. The petitioner is always at liberty to approach the learned Magistrate at a future date in case of dissatisfaction with the investigation.

As the allegation has public element, the Assistant Commissioner of Police, who has already been asked to monitor the investigation, shall monitor the same.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)