

25.07.2022
Sl. No.478(ML)
srm

W.P.A. No. 9456 of 2022

Rajib Bhadra

Versus

The State of West Bengal & Ors.

Mr. Soumya Nag,
Mr. Shounak Mukherjee,
Mr. Avishek Das

...for the Petitioner.

Mr. A. Ray, Id. GP
Mr. Nilotpall Chatterjee,
Mr. Varun Kothari

...for the State-respondents.

Mr. Rishab Dutta Gupta,
Mr. Soham De Dhara,
Mr. Sagnik Mukherjee

...for the Respondent Nos.5 & 6.

The petitioner alleges that the Officer-in-Charge, Karaya Police Station has not proceeded with the investigation of Karaya Police Station Case No.44 of 2021 dated February 19, 2021 under Sections 420/406/506/120B of the Indian Penal Code, against the respondent Nos.5 and 6.

It appears that there was a commercial transaction between the parties. The petitioner is aggrieved because the promised amount had not been furnished to the petitioner by the respondent Nos.5 and 6. Hence, on the allegation of cheating and criminal breach of trust, the petitioner filed a complaint before the concerned police station, inter alia,

alleging that Rs.25,00,000/-, which the petitioner had invested with the respondent Nos.5 and 6, had been siphoned off.

The learned Advocate for the respondent Nos.5 and 6 submits that as per the declaration, which is in the nature of an agreement entered between the parties, the time to refund the money had not yet expired. It is next submitted that the bank statements would reveal that some money had been sent to the petitioner's account, at least on two different occasions. It is further submitted that the respondent Nos.5 and 6 complied with the notice under Section 41A of the Code of Criminal Procedure, for the interest of the investigation.

The learned Advocate for the State-respondents has furnished a report. The report is not satisfactory. The progress of the investigation is not evident.

Thus, this Court is of the view that when an investigating agency had initiated an FIR, the investigation must be conducted in a free, fair and competent manner. Expeditious steps should be taken to conclude the investigation. The investigating agency shall unearth the truth and take into consideration the rival contentions of the parties as also the evidence available. The Deputy Commissioner of Police, South East Division, Kolkata, shall personally supervise the investigation.

This order shall not be construed as an observation on the correctness of the statements made by the petitioner. This order shall also not be construed as an observation on the culpability of the respondent Nos.5 and 6.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)