

S/L 65
01.07.2022
Court. No. 19
GB

WPA 10695 of 2022

Sikha Kundu
VS
The State of West Bengal & Ors.

*Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Mr. Santanu Maji.*

...for the Petitioner.

*Mr. Subhabrata Datta,
Mr. Banibrata Dutta.*

...for the State.

Mr. Sanjib Kumar Mukhopadhyay.

...for the Respondent No.11.

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

Despite service, none appears on behalf of the respondent nos.9 and 10.

The promoter, who is the respondent no.11, is represented.

The dispute is over purchase of a flat. The petitioner alleges that an amount of Rs.26,20,000/- had been paid in lieu of the flat, which not registered in favour of the petitioner, by the respondent no.11. The allegation is that, the respondent no.11 sold the flat to the respondent nos.9 and 10. According to the petitioner, although an FIR was registered, the police authorities have not made any progress with the investigation. A prayer has been made for transfer of the investigation to the Criminal Investigation Department.

The learned advocate appearing on behalf of the respondent no.11 submits that the petitioner and the

respondent nos.9 and 10 had a financial transaction and some understanding. The respondent nos.9 and 10 had requested the respondent no.11 to register the flat in the name of the petitioner and Rs.26,20,000/- was paid by the petitioner to the respondent nos.9 and 10. The specific case of the respondent no.11 is that, not a single farthing was received from the petitioner by the said respondents for sale of the flat in question. Thereafter, a dispute cropped up between the petitioner and the respondent nos.9 and 10 and the respondent no.11 registered the flat in the name of the respondent nos.9 and 10 upon request of the said respondents. It is further submitted that the flat has now been sold to a third party.

The police authorities have submitted a report, from which it appears that on the basis of the written complaint, Burdwan P.S. Case No.171 of 2022 dated February 17, 2022 under Sections 420/406/368/34 of the Indian Penal Code was started. The investigation has progressed. Witnesses were examined. The complainant was also examined. Relevant documents have been seized. Notice under Section 160 of the Code of Criminal Procedure was served upon the respondent no.11, who also appeared before the investigating officer and submitted that the respondent no.9 had taken the money. The police authorities have failed to serve notice upon the respondent nos.9 and 10 under Section 160 of the Code of Criminal Procedure. The respondent nos.9 and 10 are absconding. As per the police report, raid was conducted at regular intervals, to apprehend the said respondents.

Having considered the progress in the investigation, this Court is of the view that as the amount involved is huge and there are allegation of cheating and breach of trust, the police authorities must make serious attempt to unearth the truth and use all infrastructural facilities at its disposal to ensure that investigation is conducted in a free, fair and impartial manner and reached to its logical conclusion expeditiously, preferably within a period of three months from date of communication of this order. The Inspector-in-Charge, Burdwan Police Station shall personally investigate into the matter and the Superintendent of Police, Purba Burdwan shall monitor the investigation on a day to day basis.

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.)