

15.07.2022
Sl.No.131(ML)
srm

W.P.A. No. 11731 of 2022

Sri Chandan Roy & Anr.

Versus

The State of West Bengal & Ors.

Mr. Swapan Kumar Pal,
Mrs. Mahuya Dutta Biswas

... for the Petitioners.

Mr. Jishnu Chowdhuri,
Mr. Sutanu Chakrabarti

...for the State-respondents.

Mr. Mahendra Prasad Gupta,
Mr. Ayan Mitra,
Mr. Chandan Mondal,
Mr. Supriya Mahajan

...for the Respondent Nos.11 to 13.

Affidavit-of-service is taken on record.

The police authorities have already registered a case, on the basis of the complaint filed by the petitioner No.1, being Sagar P.S. Case No.114 of 2021 dated April 5, 2021, under Sections 420/471/34 of the Indian Penal Code.

According to the petitioners, their signatures have been forged and fabricated in certain documents including an alleged agreement for sale. By using such forged documents, several lands belonging to the petitioners have been sold by the respondent No.11 to third parties.

The petitioners allege that the police authorities have not taken any steps, even though an FIR was registered.

The police report is taken on record. Investigation revealed that the alleged registered power of attorney, on the basis of which the respondent No.11 sold the property, could not be produced by the said respondent. The inspection in the office of the District Sub-Registrar, Howrah also did not indicate that any such power of attorney had been executed by the petitioner No.2 in respect of the respondent No.11.

During investigation, the police authorities were informed that the respondent Nos.11 to 13 surrendered before the learned jurisdictional Magistrate. They were released on bail. The enquiry in the District Sub-Registry, Howrah, revealed that a power of attorney had been granted by the petitioner No.2 in favour of the petitioner No.1.

The alleged sale deeds were collected from the office of the Additional District Sub-Register, Rudranagar, Sagar. The statements of witnesses under Section 161 of the Code of Criminal Procedure were recorded and the investigating officer had submitted a prayer before the learned Additional Chief Judicial Magistrate, Kakdwip for adding Sections 419/468 of the Indian Penal Code in the

FIR along with the original Sections 420/471/34 of the Indian Penal Code. Such prayer was allowed. The police report is taken on record.

Thus, it appears that so far the police authorities have collected available materials, recorded statements of witnesses and have also added additional sections in the FIR. The allegation of police inaction is not substantiated for the present.

The police authorities are directed to complete the investigation and reach the same to its logical conclusion. The offences are of forgery, cheating by personation, use of forged documents as genuine etc. The signatures appearing in the documents which have been seized, shall be compared with the original signatures of the petitioners and samples of the signatures of the petitioners shall be sent to the appropriate forensic unit of the CID, West Bengal for a report on the signatures of the petitioners. The police authorities shall continue the investigation on the basis thereof and on the basis of all other evidence that have been collected so far. Attempts to trace out any further lead must be made.

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.)