

S/L 4
25.08.2022
Court. No. 19
GB

WPA 15054 of 2022

Lina Golui
VS
The State of West Bengal & Ors.

*Mr. Atarup Banerjee,
Mr. Arindam Sen,
Mr. Samit Bhanja.*

...for the Petitioner.

*Mr. Amitesh Banerjee,
Mr. Tarak Karan.*

...for the State.

Mr. Shiv Chandra Prasad.

...for the Respondent Nos.5 & 7.

*Mr. Soumya Basu Roy Chowdhury,
Mr. Sarbananda Sanyal,
Ms. Poulomi Chakraborty.*

...for the Respondent No.9.

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

It appears that there is a dispute with regard to an alleged deed of sale. The allegation is that, the respondent no.9 by forging certain documents and signature of the petitioner, executed a deed of sale in its favour. It is submitted that for the purpose of registration of the deed of sale, fake PAN card, Addhaar Card and other documents of identification of the petitioner were created. A complaint was lodged with the police station, but the police authorities failed and neglected to take steps in accordance with law against the respondent nos.9 and 10. It is submitted that in an application filed under Section 438 of the Code of Criminal Procedure, the respondent no.9 had made certain admissions. It is further submitted that although the documents would reveal that some money was transferred to

the account of the petitioner, actually the said transfer was made to the account of a fake person, who represented to be the petitioner.

The learned advocate for the respondent no.9 submits that the respondent no.10 was the constituted attorney, and he was authorized by the petitioner to sell the property. Accordingly, he relies on the deed of conveyance to show that the respondent no.10 had signed as the confirming party to the sale. It also appears that subsequently the remaining property of the petitioner was sold to the constituted attorney. The learned advocate for the respondent no.9 further relies on the order of the learned Civil Judge (Junior Division), 4th Court at Howrah dated November 10, 2021 passed in Title Suit No.1156 of 2021. The learned civil court upon considering the facts and circumstances of the sale, refused the prayer for ad interim injunction. The application for temporary injunction is pending. Admittedly, the petitioner has not challenged the order of refusal of the ad interim injunction. He further relies on the transactions vide RTGS, showing transfer of the money to the account of the petitioner.

The police report in the form of instructions has been filed. It appears that on the basis of the complaint lodged by the petitioner, Domjur Police Station Case No.856 of 2021 dated October 27, 2021 under Sections 419/420/464/465//467/468/120B of the Indian Penal Code had been initiated. Notice under Section 91 of the Code of Criminal Procedure was served upon the petitioner. The

petitioner also produced the gift deed, copy of the Khajna receipt, Porcha, etc. The police authorities also collected the certified copy of the deed and the bank statements of MNB Bajrang Steel Private Limited. Notice under Section 41A of the Code of Criminal Procedure was served upon the FIR named accused persons, Shiw Narayan Mall, an accused was granted anticipatory bail. On June 10, 2022 an FIR named accused namely, Bindaban Dolui surrendered before the learned Chief Judicial Magistrate and he was granted bail. On June 27, 2022 another FIR named accused, namely, Tapan Mitra surrendered before the learned Chief Judicial Magistrate and he was also granted bail. Investigation is in progress.

Under such circumstances, this Court is of the view that the investigation, which involves allegations of forgery, fraud, misrepresentation, etc., must be investigated promptly and reached to its logical conclusion. The investigation will be comprehensive and the complicity of all persons, who may be involved in the alleged transaction, shall be probed.

This Court has not gone into the merits of the claims and counter-claims of the parties as these issues are entirely within the domain of the investigating agency.

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.)