

05.12.2022
S/L No.12
KS

C.R.R. 2107 of 2021
With
IA No. CRAN 1 of 2021
+
CRAN 2 of 2021
Debabrata Halder
-Vs.-
The State of West Bengal & Anr.

Md. Shabir Ahmed
Mr. Pradip Halder
..... For the Petitioner
Mr. Swapan Banerjee
Ms. Purniam Ghosh
.....For the State
Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett
.....For the O.P. No.2

Mr. Ahmed, learned advocate appearing for the petitioner has challenged the continuation of Gariahat Police Station Case No.116 of 2021 dated 25.06.2021 under Sections 406/ 420 of the Indian Penal Code. Learned advocate submits that on a bare perusal of the complaint it would reflect that the present case is a money claim and the institution of this case was with the mala fide intention wherein the petitioner had sufficient funds but could not keep up to his promise because of other compulsions in respect of which investigation is going on.

Mr. Gupta, learned advocate appears on behalf of the private opposite party and submits that the complainant has been duped on the

basis of representations made by the present petitioner and, as such, parted with huge some.

Ms. Ghosh, learned advocate appears for the State and produces the Case Diary.

I have taken into account the submissions advanced by the respective parties and I find that the initiation of the case was on the basis of a representation that the petitioner/accused pledged gold amounting to Rs.1.4 crores with Federal Bank which he intended to get released and for that he sought assistance from the private opposite party. The private opposite party by way of R.T.G.S. transmitted the amount of Rs.1.4 crores. Investigation of the case is in progress. The truth or falsity of this fact is to be tested on the anvil of the materials so collected. At this stage, I do not think a case has been made out for interference. Petitioner, if so advised would approach this Court at the appropriate stage.

With the aforesaid observations, C.R.R. 2107 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)