

29.06.2022
Court No. 19
Item no.07
CP

W.P.A. No. 17879 of 2021

Nepal Halder
Vs.
The State of West Bengal & ors.

Mr. Tirthankar Mukherjee
Ms. Madhurima Sarkar
Mr. Munshi Ashiq Elahi
Ms. Sucheta Pal

...for the petitioner.

Mr. Amitesh Banerjee
Mr. Tarak Karan

...for the State.

Mr. Jayanta Narayan Chatterjee
Ms. Jayashree Patra
Mr. Suvrodeep Koley

...for the respondent no. 11.

Pursuant to the earlier direction, the learned advocate for the State respondents has filed a report in the form of instructions. The said report is taken on record.

From the report, it appears that there is case and counter-case between the parties. On the allegation of the petitioner with regard to cheating, a specific case had been started being Mathurapur PS Case No. 253/21 dated November 8, 2021 under Sections 420/506/354/34 of the Indian Penal Code. Notice under Section 91 of the Cr.P.C. was served upon the petitioner. The petitioner was asked to

furnish documents. The respondent no. 11 was issued a notice under Section 41A of the Cr.P.C. The investigation was completed and Final Report vide No. 42 of 2022 dated February 27, 2022 was filed. A prayer was made to discharge the respondent no. 11.

The complaint against the petitioner filed by the wife of the respondent no. 11 resulted in registration of Mathurapur PS Case No. 254/21 dated November 11, 2021 under Sections 420/406/120B of the Indian Penal Code. The investigation is pending.

Another case being Mathurapur PS Case No. 146/22 dated June 9, 2022 was started against the petitioner under Sections 420/406/468/323/506/34 of the Indian Penal Code.

The petitioner has been arrested. The petitioner is in judicial custody.

Under such circumstances, this court finds that the police authorities have investigated into the complaint of the petitioner and has reached the same to its logical conclusion. There are however cases pending against the petitioner.

Therefore, nothing remains to be decided in the writ petition.

The remedy of the petitioner against the final report is before the learned jurisdictional magistrate.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)