

23-11-2022
ct no. 13
Sl.2
sp

WPA 20984 of 2012
Oliver Arun Camillo Das
-Versus-

State of West Bengal & Ors.

Mr. Y.J. Dastoor, ld. Senior Adv.,
Mr. R.K. Khanna,
Mr. Phiroze Edulji
....for the petitioner

Mr. Amitesh Banerjee, ld. Sr. St. Counsel
...for the State

Mr. Amitesh Banerjee, learned Senior Counsel appearing for the State has produced instructions of the Officer-in-Charge, Kasba Police Station dated 13.09.2022, addressed to the learned State Advocate. The same is taken on record.

It is submitted that the complaint of the petitioner as regards the misappropriation of funds by forging and undue influence, has been investigated into and final report of mistake of fact filed in the year 2015 after the writ petition was filed.

Mr. Y.J. Dastoor, learned Senior Counsel appearing for the petitioner submits that his client, the complainant, is a citizen of Germany and resides there. He could not respond to the notice

under Section 91, issued by the concerned Investigating Officer as he did not receive the same.

Since the writ petition was already filed in the year 2012, he expected notices to be issued to his learned Advocate on record.

It also appears that most of the accused persons may not be traceable more than 10 years after the incident.

Be that as it may, this Court, in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India, directed that the final report filed by the Kasba Police Station be kept in abeyance. Further investigation shall be taken up by the Kasba Police.

For the aforesaid purpose, the presence of the complainant/petitioner is mandatory. The writ petitioner shall indicate to the Officer-in-Charge, Kasba Police Station as to when exactly he would be available in Kolkata to assist in the investigation within a period of six weeks. Post arrival, the writ petitioner shall remain in Calcutta for a period not less than two months and only lesser in terms of the requirement of the Investigating Officer. After receiving inputs, any further communication may be made to the writ petitioner through his learned Advocate Mr. Y.K. Khanna, Advocate, mobile no. 9830053637.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)