

02.02.2022

Item No.32
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1797 of 2020
(Via Video Conference)

Sarika Sankhi
versus
State of West Bengal & Anr.

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing the First Information Report No. 306 dated 01.10.2020 registered with Bowbazar Police Station, Kolkata under Sections 406/409/416/419/420/403/468/470/506/120B/34 of the Indian Penal Code, 1860.

Mr. Vinay Shraff,
Mr. Himangshu Kumar Ray,
Mr. Rajarshi Chatterjee,
Ms. Priya S. Paul ... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick ... For the State.

Mr. Pawan Kumar Gupta,
Mr. Manish Shukla,
Ms. Sofia Nesar ... For the Opposite Party No.2.

Mr. Sur, learned advocate for the State at the inception files Final Report which has been submitted by Sub-Inspector of Police associated with Bowbazar Police Station who had investigated First Information Report No. 306 dated 01.10.2020 registered with Bowbazar Police Station, Kolkata. Let the said report be kept with the record.

The report reflects that police could not find any material regarding rest of the accused persons, but did not opine regarding the present petitioner, viz. Sarika Sankhi only for the reason that the issue of the petitioner was pending before the Hon'ble High Court, Calcutta. From the opinion of the Investigating Officer, following is reflected :

“Investigation revealed that a prima facie established that Fraudulent intention of the accused persons for the purpose of cheating and misappropriated the property could not be established. During investigation no evidence could be collected regarding cause of payment by the complainant to the account of accused persons. Complainant stated that he had paid money to the account of the above noted accused persons.”

In view of the opinion expressed by the Investigating Officer in the report under Section 173 of the Code of Criminal Procedure being Final Report No. 36/2021 dated 27.08.2021 filed in connection with First Information Report No. 306 dated 01.10.2020 registered with Bowbazar Police Station, Kolkata, I direct the Investigating Officer to file supplementary report, if the same is ready, within a fortnight from date before the jurisdictional court.

The private opposite party no.2/complainant will be at liberty to take steps in accordance with the provisions under Section 173(8) of the Code of Criminal Procedure, if so advised.

With the aforesaid observations, the revisional application being CRR 1797 of 2020 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)