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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

C.R.R 150 of 2021
With
CRAN 2 of 2022

Sri Prabhat Kumar Jha and others
Versus
The State of West Bengal and others

Mr. Navin Barik,
Mr. Sayan De,
Mr. Kaustuv Shome,
Ms. Esha Acharya.
...for the petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Nilay Chakraborty.
...for the State.

Mr. Milindo Paul,
Mr. Nabankur Paul.
...for the opposite party no.2.

The subject matter of challenge of the present revisional application relates to Bhaktinagar Police Station Case No.1133/2021 dated 29.08.2021 under Sections 406/420/120B /34/379/468/465/466/470/471 of the Indian Penal Code.

The main thrust of the contention of the petitioners is that the petitioners have been falsely implicated in the instant case in spite of due diligence before the appropriate forum for fighting out the case.

It has been contended that if the allegations made in the FIR are accepted to be true in its entirety in that case also

the provisions of Section 195 of the Code of Criminal Procedure were attracted in this case as the signature of the contents of the documents were the subject matter of adjudication before a separate forum. Learned advocate has also argued that the complainant is foisted with 200 litigations and as such, as a counter blast implicated its own advocates and employees in the present case.

Learned advocate appearing for the State produces the case diary and draws the attention of the Court to the opinion of the handwriting expert. Learned advocate further submits that the signature has been found to be forged in the document which is the pivotal point of the adjudication before the forum. The complainant has definitely suffered loss by reposing faith upon the present petitioners and as such there is no scope for interference with the process of the investigation. Additionally, he submits that since there was a direction for not to take coercive steps, the Investigating Officer was slow with the investigation of the case and could not arrive at this final opinion as the accused persons were not available for interrogation.

Mr. Paul, learned advocate, appears on behalf of the complainant/private opposite party no.2 and submits that the forgery of the signature and the loss so suffered are clear on the face of it and as such, the investigation at this stage cannot be terminated.

I have considered the submissions of the learned

advocate appearing for the petitioners, the State as well as the private opposite party. On perusal of the case diary, I find prima facie case has been made out for the police authorities to submit their report under Section 173 of the Code of Criminal Procedure so that investigation can be taken to its logical conclusion.

The petitioners were served a notice under Section 41A of the Code Criminal Procedure. Learned advocate submits that they intend to cooperate with the investigation.

Having regard to the same, I direct that the investigation of the case would continue. The petitioners will not leave the jurisdiction without informing the Investigating Officer of the case.

Having regard to the fact that the petitioners have been enjoying interim protection since December, 2021, I direct that the petitioners shall not be arrested till 31st October, 2022. The petitioners are at liberty to exhaust the remedies available under the law within the said period of time. In case such remedies are not available within due time, the Investigating Officer would be at liberty to execute his right on 1st November, 2022.

With the aforesaid observations, CRR 150 of 2021 along with CRAN 2 of 2022 is disposed of.

The Investigating Officer of this case is present in Court today. His further appearance before this Court is dispensed with.

All parties shall act on the server copy of this order

duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)