

WPA 2669 of 2021

Smt. Bandana Das
-vs-
State of West Bengal & ors.

Mr. Debasish Chatterjee
...for the petitioner
Mr. Anindya Lahiri
Mr. Samrat Dey Paul
...for the respondent no.3
Mr. Suddhadev Adak
....for the State

Learned counsel appearing on behalf of the petitioner submits as follows. For the purpose of executing a deed, the original gift deed by which the petitioner was gifted the property was given to the private respondent, her learned counsel. This was in the year 2001. But the learned Advocate did not return the said original deed. Civil litigations were started in this regard by the petitioner. The learned advocate is still withholding such deed. In 2018, the petitioner lodged a complaint before the police to act on the same so that she can get back the original deed gift. But, this was not acted upon by the police.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. In order to avoid the property going into the hands of her brother, the petitioner had executed a gift deed in favour of the learned advocate so that it can be gifted back to her at an appropriate time. However, for the

subsequent gift deed for taking back the property, the petitioner did not pay the registration fees which are still due. However, the private respondents is not having the original deed which the petitioner claims to have been given to him.

Learned counsel appearing on behalf of the State submits that there exist a civil dispute between the private parties and a case of a very belated complaint.

It appears that there is a civil dispute between the private parties over possession of the original gift deed.

A complaint was filed admittedly after 17 years regarding the alleged criminal breach of trust.

If a cognizable case is made out and if there is a question of delay which is to be condoned, the same may be considered by the learned Magistrate if the petitioner chooses to file an application under Section 156 (3) of the Code in this regard.

This Court finds no reason to intervene with the proceedings.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)