

25.04.2023.
Court No.13
Item No. 7
ap

W.P.A. No. 3089 of 2023

**Sri Sujit Nag
Versus
The State of West Bengal & Ors.**

Mr. Saurabh Guha Thakurata,
Mr. Prabhleen Bharara,
Ms. Nilanjana Sarkar.

...For the petitioner.

Mr. Ansar Mondal,
Ms. Srilekha Bhattacharyya.

...For the State.

1. Affidavit-of-service filed in Court today be kept with the record.
2. The petitioner complains of alleged inaction on the part of Kalyani Police Station, Ranaghat Police District in respect of FIR No. 502 of 2022 dated 4th September, 2022 under Sections 420/406/506 of the Indian Penal Code.
3. The petitioner claims that the accused persons have been cheating people, offering admissions into All India Institute of Medical Sciences (AIIMS), Kalyani and have defrauded and duped the petitioner and various other persons. They have misappropriated a substantial sum of money to the extent of Rs.70,00,000/-.
4. Kalyani Police Station, Ranaghat Police District has filed a report dated 24th March, 2023, which is taken on record.

5. It appears therefrom that investigation is completed and charge-sheet being C.S. No. 579 of 2022 dated 26th November, 2022 under Sections 420/406/506 of the Indian Penal Code has been submitted.

6. Counsel for the petitioner would argue that the complaint itself indicates forgery of several documents. He further submits that Section 468 and 471 of the Indian Penal Code ought to have been added by the Investigating Officer of the case. He also submits that the investigation into the subject FIR is, therefore, *ex facie* perfunctory.

7. This Court is, therefore, of the view that the petitioner's prayer for transfer of investigation to the Central Bureau of Investigation is kept in abeyance for the time being and left open to be pursued by the petitioner in an independent proceeding.

8. The petitioner may first approach the Magistrate under Section 173(8) of the Code of Criminal Procedure and raise his grievance against the charge-sheet submitted.

9. If further investigation into the subject FIR is ordered by the Magistrate the same shall be supervised by an Officer not less than the rank of Deputy Superintendent of Police of Kalyani Police Station, Ranaghat Police District. The Magistrate shall attempt to dispose of the petitioner's application, if made within seven days from date, within a period of ten days thereafter.

10. Let a copy of the aforesaid charge-sheet be made available to the petitioner and/or his representative by the Kalyani Police Station, Ranaghat Police District by tomorrow.

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

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)