

06-06-2023
ct no. 13
sl. no. 10
sp

WPA 11716 of 2023
With
CAN 1 of 2023
Haru Dutta
-Versus-

The State of West Bengal & Ors.

Mr. Sourav Chatterjee,
Mr. Soumyajit Das Mahapatra,
Mr. Soumya Nag

...for the petitioner

Mr. Amal Kr. Sen,
Mr. Jaladhi Das

...for the State

Mr. Suresh Sahani,
Ms. Anjana Banerjee

..for the added respondent

CAN 1 of 2023

1. CAN 1 of 2023 is an application filed by the de facto complainant for being added as party respondent to the instant proceeding.
2. This Court, having regard to the main issue and the order proposed to be passed, does not deem it necessary to add the applicant Manoj Kumar Kasera as a respondent in the instant proceeding.
3. CAN 1 of 2023 shall stand disposed of.

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4. The petitioner has been issued notice under Section 160 of the Cr. P.C. He claims to have responded.

5. The police are, however, of the view that the petitioner did not effectively respond to the said notice issued in connection with the Golabari Police Station Case No. 343 of 2021 dated September 29, 2021 under Section 420/406 of the IPC.
6. The petitioner only seeks a limited relief before this Court. He submits that he is willing to comply with the notice under Section 160 of the Cr. P.C. and co-operate in the investigation.
7. However, in the event the Investigating Officer is of the view that the petitioner ought to be added as an accused, a 10-day notice should be given to him to seek remedies in accordance with law.
8. Since the FIR is registered under Sections 406 and 420 of the IPC, this Court finds that the petitioner's prayer is reasonable. The petitioner may give statements subject to his rights in law, to the Investigating Officer.
9. The Investigating Officer shall give 10 days notice to the petitioner in the event any coercive measures are proposed to be taken against him and/or if the petitioner is proposed to be added as an accused to the FIR. It is ordered that the investigation into the subject FIR be completed within a period of 45 days from date, mandatorily and positively.

10. The Investigating Officer may consider the representation of the de facto complainant, Manoj Kumar Kasera, as regards the misjoinder of Sections in the FIR.
11. With the aforesaid observations, the instant writ petition shall stand disposed of.
12. There shall be no order as to costs.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)