

366. 08.02.2023
Ct. No.13
Tanmoy

WPA 13616 of 2021

**Prakash Jayaswal @ Jaiswal
-Versus-
The State of West Bengal & Ors.**

Mr. Sourav Chatterjee, Adv.,
Mr. Satadru Lahiri, Adv.,
Mr. Krishna Chandra Das, Adv.,
Mr. Safdar Azam, Adv.
...for the petitioner.

This writ petition is pending since 2021. The Kolkata Police assisted by a Senior Officer of the rank of Deputy Commissioner on one occasion had conducted as many as five raids to apprehend the accused and execute warrant of arrest, but in vain.

The anticipatory bail application of the accused persons have been dismissed by a Division Bench of this Court. The Special Leave Petition against such order refusing prayer for quashing of FIR has also been dismissed. A transfer petition of the proceedings out of West Bengal has also been dismissed by the Hon'ble Supreme Court.

On an earlier date i.e. August 5, 2022, a co-ordinate Bench has recorded that given the fact that the accused should not be apprehended till now, it is a fit case for transferring of the investigation to the CID or CBI.

In the facts of the case, however, it is seen that while the Kolkata Police has been diligent in their efforts, they are bound by the protocols between the Police of two

States. The accused appear to be receiving information about the raids by the Kolkata Police in advance.

In the above circumstances, this Court is left with no alternative than to transfer the investigation into the Burtolla P.S. Case No.02 of 2021, dated January 2, 2021, under Sections 420/406/467/468/471/120B of the Indian Penal Code, to the Central Bureau of Investigation (CBI).

The Burtolla P.S. shall transfer the entire records and case diary to the CBI. The CBI shall commence investigation immediately and arrest the accused persons.

The writ petition shall stand disposed of.

The report of the Burtolla P.S. dated February 7, 2023 be kept with the records.

(Rajasekhar Mantha, J.)