

Avijit Gope
-vs-
State of West Bengal & ors.

Mr. Avijit Gope
....petitioner appearing in person

Ms. Ipsita Banerjee
...for the State

This is an application praying for a direction upon the respondent authorities to see that investigation is continued lawfully.

Affidavit of service filed on behalf of the petitioner is taken on record.

The petitioner appearing in person submits as follows.
The petitioner is the defacto-complainant in this case. The petitioner was constrained to file an application under Section 156 (3) of the Code to have the present FIR registered being Lake Police Station Case No. 471 dated 18.12.2015 under Section 420 of the Indian Penal Code. After a purported investigation, the agency filed a final report seeking discharge of the accused. The present petitioner filed a protest petition which was allowed and further investigation was directed. In spite of this, the police has not investigated the case properly. The investigation has dragged on for all this long.

Learned counsel appearing on behalf of the State files a report, which is taken on record, and submits as follows. After further investigation was directed, notices were given under Section 91 of the Code for production of documents. Raids were conducted near the bank, but no such person was found in the name of Baba Raza Khan @ Sarfaraz Alam. A notice under Section 41A was also issued.

I have heard the submissions of the parties and have perused the writ petition and the report filed by the State.

It appears that a criminal proceeding was already started and a Criminal Court is in seisin of the matter. After the final report was submitted, the petitioner filed a protest petition which was allowed.

If the petitioner's grievances that the further investigation is not being conducted properly, he can fairly take up the issue before the learned Judicial Magistrate.

However, it has been quite some time that the investigation has remained pending. If an accused is untraceable or is abscondable, notice under Section 41A is not the only step that can be taken by an investigating agency.

Let the investigation be conducted properly. If the petitioner has any further grievance, he shall be at liberty to ventilate the same before the learned Magistrate.

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.)