

24.04.2023.
Court No.13
Item No. 7
ap

W.P.A. No. 19815 of 2022

**Subhadip Roy
Versus
The State of West Bengal & Ors.**

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Mr. Subhayu Das.

...For the petitioner.

Mr. Amal Kumar Sen,
Mr. Jaladhi Das.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner is aggrieved by the inaction on the part of Galsi Police Station in recovering a Dumper being the subject matter of FIR No. 71 of 2022 dated 10th February, 2022.
3. Galsi Police Station has also filed a detailed report dated 6th September, 2022, which is kept with the record.
4. Mr. Sen, learned Senior Advocate appearing for the State submits that the petitioner's father, had let out the Dumper to two persons successively against two payments by cheque. He further submits that the cheques had bounced. He also submits that the said two persons had transferred the said Dumper, bearing Registration No. WB 41 J 2013, to two other persons.

5. It appears from the report of the police that Galsi Police Station have arrested two persons and two other persons are absconding.

6. It is not known as to whether orders of proclamation and attachment have been obtained against the absconding persons.

7. This Court is disappointed to note the manner of investigation in the subject FIR by the Galsi Police Station. It is equally surprising to note that the said Dumper has not been recovered till date.

8. This Court, therefore, directs the investigation into FIR No. 71 of 2022 dated 10th February, 2022 to be transferred to Criminal Investigation Department, West Bengal (in short CID) immediately. The CID, West Bengal shall take urgent and immediate steps to recover the said Dumper.

9. The finance company that has funded the purchase of the said Dumper also does not have possession of the same.

10. The CID, West Bengal shall attempt to complete the aforesaid investigation within a period of one month from date. The CID, West Bengal shall be at liberty to make enquiries and also question the Investigating Officers of Galsi Police Station in the matter.

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.)