

30 26.09.2023
NB Ct. 14

WPA 21252 of 2023

Suprobha Reja & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Debashis Banerjee,
Mr. Amit Chaturvedi,
Mr. Rakesh Jana,
Mr. Avijit Banik.
...for the petitioners.

Mr. Wasim Ahmed,
Sk. Md. Masud.
...for the State.

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

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. One Prashanta Ghosh repaid a sum of money to the petitioners for an accommodation taken earlier. Subsequently, the said Prashanta Ghosh was learnt to have been hauled up by the police in a case. The police are now trying to make out a case that the ill-gotten money of the said Prashanta Ghosh was parked in the petitioners' account. The police, in fact, are insisting that the petitioners return such money.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The police authorities have not asked the petitioners to return the money. At best and if it is found that there is some involvement of the petitioners in this, they can be made accused along with the

said Prashanta Ghosh in a case. In the existing case against the said Prashanta Ghosh, a charge sheet has already been submitted against the accused. However, further investigation is going on.

The police cannot ask anyone to return money kept in his account. However, they shall be at liberty to investigate into the alleged offences.

If the petitioners think that the complaint made before the police authorities makes out a cognizable case, they shall be at liberty to act in terms of the directions passed in the case of ***Aleque Padamsee's*** Case, (2007) 6 SCC 171.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)