

October 4, 2023
AD 113
Court No.14
SG

WPA 22269 of 2023

Kwality Steel Processors and another
vs
State of West Bengal and others

Mr. Jishnu Chowdhury
Mr. Varun Kothari
Mr. A. Agarwalla
Mr. Souradeep Banerjee
Mr. B.N. Joshi
Ms. D. Mukherji
... for the petitioners

Ms. Saheli Sen
Ms. Indrani Nandi
... for the State

Mr. P.P. Dasgupta
... for the respondent No.4 & 6

Mr. Ayan Bhattacharjee
Mr. Pinak Kumar Mitra
Ms. Subhanwita Ghosh
... for the respondent No.5

Mr. Ayan Chakraborty
Ms. Sohini Mukherjee
... for the respondent No.7

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioners submits as follows. The petitioner No.1 is not an accused in the case in respect of which the bank account has been frozen. The petitioner No.2 is only a partner in the said firm. Another partner of the same firm is alleged to be a director of a company. The land of that company was sold by allegedly forging the signature of one of the directors in the board resolution. But, the other two

directors can always sale such property. It does not require the concurrence of the third director left in the board. Therefore, no prima facie case is made out as would be evident from a plain reading of the complaint. Besides, the investigating officer is acting in a biased manner. He has only seized the bank account of the petitioners and not the account of the complainant in which some of the money have been credited.

Learned advocate for the respondent No.5/ complainant submits that the petitioners' remedy, if any, lies before the concerned Magistrate under Section 457 of Cr.P.C. Therefore, the writ petition is not maintainable.

Learned advocate for the respondent Nos.4 and 6 submits that some of the money is lying unpaid in the bank account of the company.

Learned advocate for the State relies on the report and submits as follows. In course of the investigation, it was revealed that after selling the property, initially the entire amount was transferred to the "Saltlec Food Private Limited". From there the money was transferred to the personal account of the accused as well as in the company named and styled as "Jaypee Udyog Private limited". Thereafter the amount was transferred to "Kwality Steel Private Limited", "Sree Bishandas Iron Works" and "SBIW Steel Private Limited", respectively by the accused. So, all the bank accounts of the respective companies where the misappropriated money was credited, including the bank account of the complainant's

companies named and styled as “Sree Bishandas Iron Works” and “SBIW Steel Private Limited” were frozen.

Forgery is itself a crime quite independent of an act of cheating.

From the report of the State it appears that all the relevant bank accounts were frozen and no bias is found to exist in the manner in which the investigating officer exercised his powers.

Moreover, there is a specific provision under which an aggrieved can pray for defreezing of a bank account attached in connection with a criminal case.

Therefore, the petitioners shall be at liberty to file an application under Section 457 of Cr.P.C. in this regard.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]