

December 6, 2023
AD 588
Court No.14
SG

WPA 22625 of 2023

Milan Ghosh
vs.
State of West Bengal and others

Ms. Aparajita Rao
Mr. Sanwal Tibrewal
Ms. Madhuja Barman
...for the petitioner

Mr. Asish Kumar Guha
Mr. Anirban Dutta
... for the State

Mr. Abhrajit Mitra
Ms. Patrali Ganguly
Ms. Joyshree Ghosh
... for the private respondents

A further report submitted by the State regarding progress of investigation is taken on record.

Perused the case diary produced on behalf of the State.

Learned advocate for the petitioner alleges police inaction in investigating the case at hand. Although the prime allegation is for forgery, there has been no serious attempt to get hold of the original documents that were uploaded by the company at the portal of the Registrar of Companies. Only then can the genuineness of the signature be ascertained. Instead of raids, a simple request to the company would have served the purpose.

Learned senior advocate for the private respondents submits as follows. The allegations made in the writ petition are denied. However, the accused have

cooperated with the investigation of the case. An arbitration proceeding is pending in connection with the issue at hand and a Division Bench of this Court had left it to the arbitrator to decide all connected issues.

Learned advocate for the State relies on the report and the case diary and submits that the investigation is going on into the alleged offences. Raids were conducted. A notice was issued under Section 91 of the Code to the Registrar of Companies and certain computer-generated documents were obtained. The petitioner has not provided documents to support his claim about a loss to the tune of Rs.10 crores.

It appears that the investigating agency has taken some steps in unearthing truth. However, it is not clear whether they asked the entity who had uploaded the documents in question at the portal of the Registrar of Companies for supplying a copy of the same.

Let the investigation be concluded expeditiously and in accordance with law.

However, further investigation of the case shall be conducted by the investigating officer under the direct supervision of the Deputy Commissioner of Police, South-East, Kolkata.

No further order need be passed.

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.]