

37 24.11.2023
NB Ct. 14

WPA 23058 of 2023

Jagdish Parshad Goel & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Shruti Pal,
Mr. Souradeep Banerjee.
...for the petitioners.

Mr. Rajarshi basu,
Mr. Parikshit Goswami.
...for the State.

Mr. Pinak Mitra,
Mr. S. Ghosh.
...for the respondent no.4.

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. The petitioners are the accused in a case in respect of which their bank accounts have been frozen. The land of the company was being sold by allegedly forging the signature of one of the directors in the Board resolution. But the other two directors can always sell 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. The Investigating Officer has only seized the bank account of the petitioners and not the account of the complainant in which some of the money had been credited.

Learned counsel appearing on behalf of the respondent no.4/complainant submits that the petitioners' remedy lies before the learned Magistrate under Section 457 of the Code of Criminal Procedure. Therefore, the writ petition is not maintainable.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A prima facie case is clearly made out against the accused. Quite rightly the bank accounts where the money had gone were frozen.

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

From the report of the State it appears that the relevant bank accounts were frozen.

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

Therefore, the petitioners shall be at liberty to file an application under Section 457 of the Code of Criminal Procedure in this regard.

No further order need be passed in this petition.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)