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Ct 14

WPA 23461 of 2023

Chiranjit Bhowmik
-vs-
The State of West Bengal & ors.

Mr. Amit Ranjan Pati
Ms. Swartika Chowdhury
...for the petitioner
Ms. Sonal Sinha
Mr. Avishek Prasad
...for the State

Copy of the order dated 29.04.2023 by which the learned Chief Judicial Magistrate directed the Officer-in-Charge of the local police station to register an FIR, as filed in Court, is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had agreed to sale his vehicle to the private respondent. Part advance sum of Rs. 30,000/- was only paid. It was agreed that the private respondent would pay the installments for the hire purchase. The private respondent did not pay rest of the money. They did not even return the vehicle. Instead they are plying the vehicle by giving the same on hire to the local BL & LRO office. The order directing investigation did not refer to any particular section. Taking advantage of it, Section 406 of the Penal Code was omitted from the FIR. The police are not seizing the vehicle deliberately.

Learned counsel appearing on behalf of the State relies

on the report filed earlier and submits as follows. Without informing the finance company, the petitioner sold his vehicle to the private respondent. As the petitioner did not give the necessary papers and documents, the rest of the amount was not paid. Investigation is going on. The Finance Company has informed that the private respondent is paying the installments due.

What has been annexed in the report of the State is merely an agreement for sale and not a sale document. One wonders if the police authorities are of the view that even if a full consideration is not paid, a person would be justified in holding on to the possession of a thing which has supposedly been agreed to have been sold.

Be that as it may, let the Investigating Agency incorporate the appropriate provision of law in the FIR and properly investigating the case expeditiously and in accordance with law.

No further order need be passed in this regard at this stage.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)