

28.02.2023.
Item No. 15.
Court No.13
ap

W.P.A. No. 25917 of 2022

**Shankar Gupta
Versus
The State of West Bengal & Ors.**

Mr. Avik Ghatak,
Mr. Soumya Nag,
Mr. Abhinav Rakshit.

...For the petitioner.

Mr. Kallol Basu,
Mr. Kaushik Chatterjee,
Mr. Tirthankar Dey.

..For the respondent nos.10 & 11.

The petitioner is aggrieved by successive FIRs registered in respect of a similar offences against him. The complainant is the Axis Bank.

The Bank complains that the petitioner arranged for loans for the borrowers from different Branches of the complainant Bank. The borrowers were given a portion of the loan amount. The petitioner kept the lion's share and also purchased high end cars out of the said loan.

The Bank detected the fraud after EMIs in several vehicle loan account remained outstanding. An FIR was registered with the Watgunge Police Station. The first FIR was registered with the Watgunge Police Station being No.32 of 222 which has resulted in charge-sheet being C.S. No. 83 of 2022 dated 03.07.2022.

Two further FIRs were thereafter registered with the Shakespeare Sarani Police Station being No. 60 of 2022 dated 24th March, 2022 and 63 of 2022 dated 1st April, 2022. The said FIRs are, inter alia, under Sections 120B/420/467/468/471 of the Indian Penal Code.

Counsel for the petitioner submits that the two FIRs with the Shakespeare Sarani Police Station ought to be merged and investigated with the first FIR with the Watgunge Police Station.

This, according to the petitioner, would reduce the inconvenience of having to defend proceedings in various Police Stations.

Counsel for the petitioner places reliance upon a decision of the Hon'ble Supreme Court of India in the case of **Amitbhai Anilchandra Shah – Vs. – Central Bureau of Investigation & Anr.** reported in **(2013) 6 Supreme Court Cases 348.**

This Court is of the view that the writ petition, in respect of prayers of this nature, is indeed maintainable.

The petitioner is on bail.

In the facts of the case, however, this Court is not inclined to entertain the writ petition since the petitioner has effective alternative remedy inter alia under Section 482 of the Code of Criminal Procedure.

Reserving liberty to the petitioner to pursue his remedies as indicated above, the instant writ petition shall stand disposed of without any orders.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)