

01.02.2023
Court No.13
Item No.10
pk

WPA 26927 of 2022

**Shyam Metalics and Energy Limited
Vs.
The State of West Bengal and Ors.**

Mr. Rajdeep Majumder,
Mr. Moyukh Mukherjee

... For the petitioner.

The petitioner company is concerned about the progress of investigation into FIR No. 18 of 2022 dated 16.02.2022. The petitioner places before this Court an order of the Magistrate dated 18.11.2022 whereby certain very serious and caustic observations have been made against the I. O.

Various lapses of investigation have been found by the Magistrate himself. The delay in the investigation may have resulted in bail of the accused persons. It is, however, equally true that the circumstances for grant of bail stand on a completely different footing.

Mr. Majumder, learned advocate for the petitioner company submits that apart from the lapses on the part of the I.O., Kalighat Police Station may not have the infrastructure that the Detective Department of Lalbazar could have to investigate a crime of this nature.

The facts are that one Vikash Jain, an Accounts Executive of the petitioner company has siphoned of about Rs.28 crores from the account of the petitioner company and passed on the same to various bookmakers betting at the Calcutta Race Course (RCTC). The

Investigating Officer is present in Court and makes detailed submissions.

The lapses of the I. O. are clearly evident as has been found by the Magistrate. The I. O. submits that he can complete the investigation immediately upon receipt of the FSL report on the digital signatures.

This Court is of the view that a system and/or set of rules must be put in place by the Commissioner of Police so that investigations into offenses of this nature involving financial and cyber crime matters are entrusted to an experienced, effective and well-equipped centralised agency. The Detective Department, Lalbazar is indeed equipped to look into and swiftly investigate into such crimes.

In the above circumstances and facts of the instant case, this Court directs that the investigation by the I.O. of the Kalighat Police Station is monitored by the Joint C. P., Crime, Kolkata.

It is expected that the investigation is completed within a period of seven days of receipt of the CFSL report.

The Director, CFSL, Kolkata shall, immediately upon receipt of a copy of this order, forward a report to the I. O., Kalighat Police Station on the material in connection with the subject FIR.

The report in final form of the matter shall be filed only after it is vetted and approved by the Joint C. P., Crime.

The I. O. is cautioned against any casual investigation of this nature in future. All Investigating Officers in the State shall not hesitate to seek assistance from their headquarters in relation to offence of this nature in future.

The report of the O. C., Kalighat Police Station dated 08.12.2022 is taken on record.

The writ petition is disposed of

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.)