

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 4467 of 2022

**Prakash Chandra Gupta
Vs.
State of West Bengal**

**For the petitioner : Mr. Daanish Haque, Adv.,
Md. Zohaib Rauf, Adv.,
Mr. Abdul Zahid, Adv.**

Judgement on : 13.01.2023.

Bibek Chaudhuri, J.

This is an application under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure. The *de facto* complainant is the petitioner before this Court praying for transfer of investigational proceeding to a competent Police authority of Metiabruz Police Station Case No. 116/2021 dated September 18, 2021 under Sections 120B/420/406/465/467/468/471 of the Indian Penal Code on the ground that the Investigating Officer intentionally failed and neglected to carry on proper investigation in respect of the above case and on 21st July, 2022 he informed the learned Additional Chief Judicial Magistrate, Alipore that he is going to file a final report stating, *inter alia*, that the concerned Banks and Non-Banking Financial Institutions are not cooperating with him in investigation by

supplying the original documents in connection with the commercial transactions between the said Banks and institutions and the accused in respect of the business of the complainant.

A copy of the instant revision be sent to the Deputy Commissioner, Detective Department, Kolkata Police directing him to give an opportunity to the complainant or his authorized representative of hearing and to consider as to whether the investigation of the case should be handed over to a competent Police Officer other than the present Investigating Officer of this case.

In view of the above direction, nothing remains in the instant revision and accordingly the instant revision is disposed of.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 26.