

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

41 01.9.2023
Sc Ct. no. 2

WPA 2026 OF 2023

Amit Dutta

Vs.

The State of West Bengal & Ors.

Mr. Kunaljit Bhattacharjee
Mr. Alok Sah
Mr. Rahul Ghatak.

....For the Petitioner

Mr. Subir Kumar Saha
Mr. Momenur Rahman.

....For the State

Affidavit-of-service, filed in Court today, is
taken on record.

The petitioner contended that, a fraud was
alleged by the petitioner as defacto complainant
alleging that, a portion of their immovable property
was fraudulently sold out allegedly by the close
relatives and family members of the petitioner. The
petitioner lodged a complaint and necessary **First
Information Report** was also registered with the
jurisdictional police station, viz. **New Jalpaiguri
Police Station.**

The investigation has a chequered history.
Intervention of the jurisdictional criminal court was
also there. Ultimately, the present status is that,
the concerned Investigating Officer, according to
the petitioner, is not enough diligent to proceed

with the investigation as expeditiously as it required to be done. Hence, this writ petition seeking necessary direction.

Mr. Momenur Rahman, learned State counsel appearing for the respondents submits that, the **charge-sheet** was **initially** furnished. Subsequently, with the intervention of the learned jurisdictional criminal court **re-investigation** was directed to be carried out and, accordingly, the same is being carried out. **Charge-sheet** is now required to be furnished in terms of such re-investigation after compliance of the necessary steps in accordance with law.

Considering the submissions made on behalf of the parties and considering the materials-on-record, the concerned Investigating Officer of the jurisdictional police station is directed to carry out and complete the investigation process strictly in accordance with law and shall file the charge-sheet immediately thereafter.

The entire exercise as directed above, shall be carried out and completed by the Investigating Officer **positively** within a period of **four months** from the date of communication of this order.

All the relevant authorities of the State connected with the investigation including the

Question Document Examination Bureau, Criminal Investigation Department, State of West Bengal shall render the necessary assistance to the Investigating Officer to carry out this direction.

The learned State counsel appearing in the matter is requested to furnish a copy of this order upon all the relevant State authorities connected and/or concerned with the investigation.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

In the event the trial commences before the jurisdictional criminal Court, the jurisdictional criminal court shall proceed and shall reach to its logical conclusion as expeditiously as possible strictly in accordance with law and shall not be influenced by any observation made herein in this writ petition.

On the above terms this writ petition, ***WPA 2026 of 2023*** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)