

28.11.2023
Sl. No.59
srm

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

W.P.A. No. 2516 of 2023

Rudrabahadur Chetri

Vs.

The State of West Bengal & Ors.

Mr. Bikramaditya Ghosh,
Ms. Supriya Singh

....for the Petitioner.

Mr. Hirak Barman,
Ms. Bedashruti Bose

.....for State-respondents.

The petitioner alleges that the police authorities have not taken any steps, pursuant to the complaint lodged by the petitioner against four persons who had impersonated as somebody else and had executed a deed of sale.

The police report is taken on record. It appears that pursuant to the complaint received from the petitioner, Kumargram Police Station Case No.214/23 dated October 21, 2023 under Sections 465/467/468/471/120B of the Indian Penal Code was registered against four persons. The investigation is going on. Statement of the witnesses were

recorded under Section 161 of the Cr.P.C. Requisition had been sent to the Additional District Sub-Registrar, Alipurduar for a copy of the conveyance (gift deed) which has been allegedly executed by impersonation. It was found that a civil suit is also pending between the parties and there is an order of injunction.

Under such circumstances, this Court finds that the police authorities have proceeded on the basis of the complaint filed by the petitioner.

This Court is of the view that when the investigation is over, the police authorities will be in a position to indicate the sections under which the accused persons should be charged, and there may be alterations in the sections incorporated in the FIR. Till such investigation is over, the petitioner would not have a right to demand that Section 420 of the Indian Penal Code should be added.

The writ petition is disposed of with a direction upon the police authorities to complete the investigation as expeditiously as possible in a free and fair manner and file necessary report on the basis of what transpires in the investigation. If the petitioner is aggrieved with the result of the investigation, the petitioner has an alternative remedy under the law.

The petitioner is at liberty to approach the police authorities with his request for consideration of the relevant documents. The police authorities will consider such request, strictly in accordance with the nature of investigation and the statements of the petitioner.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)