

24. 28.06.2024  
bd. Ct.14

W.P.A. 5524 of 2024

Rahul Chowdhury

-vs-

State of West Bengal & Ors.

Mr. Ranajit Chatterjee

Mr. Aniruddha Mitra ... for the petitioner.

Mr. Ayan Chakraborty

Mrs. Sohini Mukherjee

Mr. Subhajit Saha ... for the respondent nos. 6,7&8

Mr. Amitesh Banerjee, SSC

Mr. Tarak Karan ... for the State.

The petitioner is dissatisfied with the manner in which the Burrabazar Police Station DD Anti Cheating Case No. 198 dated 4<sup>th</sup> August, 2023 under sections 120B/406/420/506(ii) IPC is being proceeded with.

It has been submitted that more than ninety-six lakh of rupees was transferred to the private respondent nos. 6, 7 and 8 as the sale price of a flat. Neither the flat has been delivered nor the money refunded despite execution of an agreement for sale.

Learned advocate representing the private respondent nos. 6 to 8 denies the allegation of the petitioner.

Learned advocate representing the State respondents submits that the investigation of the case was under progress but thereafter in view of the order passed by this Court on 6<sup>th</sup> September, 2023 in CRR 3303 of 2023 (Tarun Kumar Saha & Anr. -vs- The State of West Bengal & Anr.) no

coercive steps would be taken in the matter.

It has been submitted that further order was passed by the Court on December, 9, 2023 in CRR 5024 of 2023 wherein the Court restrained the investigating authority from taking any coercive steps against the petitioner.

On perusal of the aforesaid two orders, it appears that the period for which protection was granted to the respondent no. 6 is long over. The investigating agency ought to have taken appropriate steps after the protection granted to the private respondents expired.

It has been submitted by the private respondents that an application for extension of interim order is pending consideration before the Court.

As it appears that on date there is no restraint order restraining the investigating agency from taking any coercive steps against the private respondents, accordingly, the investigating agency is directed to take necessary steps for fair investigation of the subject case and try to conclude the investigation in accordance with law at the earlier.

The writ petition stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Amrita Sinha, J.)**