

A3415

06-09-2024

AKG

Ct. 15

WPA 6555 of 2023
Harish Chandra Gain & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Pabitra Charan Bhattacharjee,
Mr. Sovan Nayak

...for the Petitioners

Mr. P. K. Roy,
Mr. Joydeep Roy

...for the State

Mr. M. P. Gupta,
Mr. A. Panja

...for Respondent No. 6

Ms. Chaitali Bhattacharya,
Mr. Kartick Chandra Kapas

...for Respondent Nos. 4 & 5

Mr. Nikhil Gupta

...for Respondent No. 3

Mr. Arnab Ray

...for Respondent Nos. 7 & 8

Petitioner No. 1 is a former Secretary of Chandibari Samabay Krishi Unnayan Samity Limited. The other petitioners claim to be members of the society. They allege that the society disbursed a substantial amount for short-term credit loans, which were issued based on forged signatures of the former Secretary. The petitioners accuse the individuals involved of cheating, defalcation, and misappropriation of significant funds belonging to the society.

A Coordinate Bench of this Court, by an order dated March 5, 2024, directed the Additional Director General of Police, CID, West Bengal, to establish a dedicated team to investigate the allegations as outlined in this writ petition.

In compliance with the order dated March 5, 2024, the CID, West Bengal, has commenced its investigation.

Mr. Roy, learned advocate representing the State, submits a copy of the status report concerning the CID's investigation. This report, filed before the Court on October 9, 2023, reveals that the investigation is ongoing. A requisition was sent to the Assistant Director of Cooperative Society, Barasat, District North 24 Parganas, for a financial audit of the cooperative society in question for the year 2020. This audit aims to determine the amount defalcated and identify the individuals involved.

In light of these circumstances, the following directions are passed.

1) The Assistant Director of Cooperative Society, Barasat, District North 24 Parganas, West Bengal, is directed to conduct the financial audit as requisitioned by the CID within four months and submit the report to the CID.

2) The CID, West Bengal, is directed to complete its investigation and submit its charge-sheet to the competent criminal court in connection with Haroa P.S. Case No. 216/2023, dated May 29, 2023, under Sections 193, 196, 197, 198, 467, 468, 469, 471, and 120B of the Indian Penal Code, as expeditiously as possible.

Furthermore, an inquiry was conducted by the

Deputy Registrar, Cooperative Society, Barasat, North 24 Parganas, concerning the society's affairs, in compliance with another order dated September 4, 2023, passed in this writ petition. The Registrar of Cooperative Societies is to take appropriate steps based on the inquiry report under the West Bengal Cooperative Societies Act, 2006.

No further order need be passed.

Accordingly, **WPA 6555 of 2023** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)