

HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:
THE HON'BLE JUSTICE JAY SENGUPTA

WPA 15755 of 2024

Gaurav Putatunda @ Gourav Putatunda @ Gourab Putatunda

Vs.

The State of West Bengal & Ors.

For the petitioner : Mr. Koustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar.

For the State : Mr. Wasim Ahmed,
Mr. Sk. Md. Masud.

For the respondent no.7 : Mr. Suddhadev Adak,
Ms. Richa Pramanik,
Ms. Ahana Banerjee.

Heard on : 29.08.2024

Judgment on : 29.08.2024

JAY SENGUPTA, J:

This is an application praying for transfer of investigation in connection with Khardah Police Station Case No.256 dated 24.04.2024 to a more specialised Investigating Agency like the CID.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the respondent no.7. For a period of time, the couple were having some differences. The wife filed a case, inter alia, under Section 498A of the Penal Code against the husband. She also filed another case. However, later on the petitioner's wife realised that she had become a victim of conspiracy by certain other individuals including her lawyer in the Barrackpore Court. For one, she did not sign any vakalatnama or petition in respect of a maintenance application that was filed by the said lawyer on her behalf. Certain other persons impersonated Central Crime Bureau people and took away valuable jewellery and other articles from the petitioner. The concerned lawyer of Barrackpore was involved in other illegal activities for which criminal case was pending.

Learned counsel appearing on behalf of the respondent no.7 submits that the couple is staying together now. They have buried the hatchet. She has indeed become victim of conspiracy by her said lawyer and other accused. She wants that her cases too should be transferred to a more specialised Investigating Agency.

Learned counsel appearing on behalf of the State relies on the case diaries, denies the allegations of police inaction and submits as follows. It appears that now, there is a settlement arrived at between the petitioner and his wife. However, in the case at hand, the petitioner did make allegations against the wife and others, inter alia, of stealing gold ornaments. Investigation is being done. One accused has already been arrested.

I have heard the learned counsels for the parties, perused the writ petition and the case diary.

It appears that the petitioner and his wife who are now staying together have buried their hatchet. However, they cannot take different stands at different points of time and expect the police and the Courts to act according to their whims. However, the private parties shall be at liberty to pray for appropriate orders before this Court, if they want to put an end to the proceedings started against each other.

So far as the crimes that are being alleged by the husband and the wife now are concerned, the same can fairly be investigated in the said Khardah Police Station Case No.256 dated 27.04.2024.

It appears that during investigation, the officer has collected materials, examined witnesses and even arrested one accused.

However, since the allegations involved alleged wrong doings by a large racket including a lawyer practicing in a Court of Law, it will be appropriate to have the rest of the investigation conducted by the CID.

Therefore, investigation of the case is transferred to the CID forthwith.

The CID shall conclude the investigation expeditiously and in accordance with law. While conducting the said investigation, if the CID needs to take over the investigation and other allegations made by the wife, they shall be at liberty to do so.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Jay Sengupta, J.)