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13.11.2024
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ct.no.35

W.P.A.19835 of 2024

**Dr. Arun Kumar Saha
Versus
The State of West Bengal & Ors.**

Ms .Dipika Banu
Ms. Bolivia Roy.
...for the petitioner.

Mr. Suman Sengupta
Mr. Pradyot Kr. Das.
...for the State-respondents.

Mr. Ashok Sharma.
...for the respondent no.7.

Petitioner is aggrieved by the fact that the power of attorney was allegedly misused by the respondent no.7.

State has submitted a report. Report reflects that the cheque was encashed during the lifetime of the father of the respondent no.7, as such, the private respondent no.7 could not be held responsible for any act and action of the father who expired on 22.01.2024.

Be that as it may, as the learned advocate appearing for the petitioner submits that the power of attorney holder did not have any right to withdraw any amount without obtaining any permission from the petitioner, the amount has been surreptitiously withdrawn.

Prima facie, I find on enquiry that the police authorities have assigned reasons for not taking steps. However, if the petitioner is aggrieved by the act and action of the police authorities, the petitioner would be at liberty to approach the jurisdictional criminal court under Section 175(3) of the BNSS. Learned court would act in accordance with law after exercising its discretion.

With the aforesaid observations, WPA 19835 of 2024 is disposed of.

There will be no order as to costs.

Report submitted by the learned advocate for the State be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)