

01.10.2024

Ct No.6

as
01

MAT 1585 of 2023

with

CAN 1 of 2024

Saikat Kundu

Vs.

Indian Oil Corporation Ltd. & Ors.

Mr. Kushal Chatterjee,
Mr. Amal Kr. Saha,
Mr. Iresh Paul.

...for the Appellant.

Mr. M. S. Yadav,
Mrs. S. Chatterjee,
Mrs. Satabdi Naskar.

...for the IOCL.

Mr. Chittapriya Ghosh,
Mr. Sandipan Pal,
Ms. Tithi Chakraborty.

...for the Respondent No.6.

1. Affidavit of the Senior Manager, (LPG Sales), Kharagpur Indane Divisional Office and constituted attorney of the 'Indian Oil Corporation Ltd.' is placed on record.

2. Affidavit encloses copy of letter dated 03.06.2014 of Bansi Badan Ganguly, the Surveyor of the land, addressed to the respondent Oil Company wherein he stated photocopy of the 'Bantannam Dalil' (partition deed) dated 29.08.2012 was handed over to him by one Sudhangshu Sekhar Ghatak. It may be relevant to note

the said Surveyor in another letter dated 01.06.2016 addressed to the advocate on record of the appellant had taken a different stance and stated he had collected papers from concerned authority or reliable sources.

3. Investigation report with regard to authority of the 'Bantanname Dalil' i.e. partition deed shows the document was notarized on a stamp paper purchased from the Treasury on 10.05.2013 whereas the deed bears an anterior date i.e. 29.08.2012 and is purportedly executed by one of the co-sharers who had expired in 2012. There is no doubt, the said deed is a forged document and was placed before the Surveyor during field enquiry in support of the claim of the appellant that the land offered by him had been partitioned.

4. In view of the fact that a notarized partition deed does not create clear title on the land, appellant's bill for the dealership was rejected by the respondent Oil Company. The rejection being upheld by the Hon'ble Single Judge, appellant has preferred the appeal.

5. At present, appellant submits he is unwilling to proceed with the appeal as he has been allotted another dealership.

6. However, in view of the disturbing circumstances which has come to our notice during hearing of the

appeal i.e. use of a forged document in course of field enquiry conducted by Bansi Badan Ganguly, Surveyor and the suspicious prevaricating stance taken by him with regard to the identity of the person who had produced the forged document in support of claim of dealership for the appellant, we are of the opinion a criminal investigation into the matter ought to be undertaken.

7. We are further persuaded to resort to such step as the appellant has stubbornly denied knowledge with regard to the forged document or its production before the Surveyor as well as the evasive stance of the Surveyor in his letter dated 01.06.2016 to disclose the identity of the person who produced the said forged document.

8. Accordingly, we refuse the prayer of the appellant to withdraw the appeal and direct ADG, CID, West Bengal to register First Information Report for commission of offences under sections 420/467/471 of the Indian Penal Code and entrust investigation of the case to a competent Police Officer not lower than the rank of Deputy Superintendent of Police.

9. As investigation in a crime is to unravel facts, any direction for investigation does not attract principles of natural justice necessitating prior notice and hearing to suspects. Hence, no notice is required

to be issued upon the Surveyor, Bansi Badan Ganguly or lessor, Sudhangshu Sekhar Ghatak prior to issuance of the aforesaid direction for registration of FIR.

10. ADG, CID shall submit report before this Court on the adjourned date.

11. Let the matter appear on 29th November, 2024.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)