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10.01.2024
ssi
Ct 14

WPA 23264 of 2023

Md. Afridi
-vs-
The State of West Bengal & ors.

Mr. Rajdeep Mazumder
Mr. Pritam Roy
Mr. Soewel Bhattacharjee

...for the petitioner
Mr. Jayanta Narayan Chatterjee
Mr. Supreem Naskar
Mr. Bhaskar Mondal
...for the respondent no.5

Mr. K. J. Yusuf
Ms. Rupsha Chakraborty
...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner wanted to purchase a land in Rajarhat. He entered into an agreement with the private respondent and paid a sum of Rs. 70 lakhs out of a total consideration of Rs. 2. 26 crores. Despite this, neither was the final deed of sale executed nor was the money returned. An FIR was lodged in the year 2022. Till date the police have not taken any action. The accused are roaming scot-free despite the fact that anticipatory bail prayer of the accused was turned down by the Session Court on 22.06.2023.

Learned counsel appearing on behalf of the State relies on the report filed earlier and the case diary and submits as follows. All steps have been taken during investigation of the case. Notices were sent under Section 41A of the Code but

the same were not responded to. Raids were held to apprehend the accused, but the same were futile.

It is indeed surprising that in a case registered in the year 2022, the police could only send notices under Section 41A of the Code to the accused. If all materials have been collected, a charge sheet could have been submitted showing the accused as absconder and thereafter, steps could have been taken for issuance of proclamation and attachment. Nothing of this sort has been done.

Learned counsel appearing on behalf of the absconding accused submits that he denies all the allegations and submits that the accused has not committed any offence. This is at best a civil dispute.

Let further investigation of the case shall be conducted under the direct supervision of the Deputy Superintendent of Police, New Town Division.

The investigation shall be concluded expeditiously and in accordance with law and necessary steps be taken to secure the attendance of the accused.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)