

05.11.2024
Item No.59
Ct. No.35
dc.

W.P.A. 24103 of 2024

**Sabita Ghosh
versus
The State of West Bengal & Ors.**

Mr. Mrityunjoy Chatterjee,
Sk. Nizamuddin,
Ms. Barnali Gupta ... For the Petitioner.

Mr. Susovan Sengupta,
Mr. Subir pal ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Petitioner is aggrieved by the fact that she had given power of attorney to the private respondent nos. 5 to 10 who sold the property, but did not pay her a farthing of the sale proceeds. To that effect, the petitioner complained with the Officer-in-Charge, Kalna Police Station as also Superintendent of Police, Purba Bardhaman.

Learned advocate appearing for the State has submitted that as no cognizable offence is made out, police has not registered a case.

I have considered the submissions advanced on behalf of the petitioner and the State. *Prima facie*, I am of the view that the police should at least conduct a preliminary enquiry to find out whether there was deceitful means by which the power of attorney was obtained from the present petitioner and if such deceitful means and the consequent action of the private respondents resulted in misappropriation of the money in respect of the sale

proceeds, if any, then in that case the police authorities would proceed in accordance with law. Let such action be completed by the Officer-in-Charge, Kalna Police Station within a period of fifteen days from the date of communication of this order.

In case the Officer-in-Charge, Kalna Police Station do not take any step, the petitioner would be at liberty to approach the jurisdictional criminal court by invoking the provisions under Section 175(3) of the BNSS, 2023.

With the aforesaid observations, the writ petition being WPA 24103 of 2024 is disposed of.

There shall be no order as to costs.

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

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

(Tirthankar Ghosh, J.)