

March 7, 2024
AD 8
Ct. No.14
SG

WPA 23506 of 2023

Bimal Sarkar
vs.
The State of West Bengal and others

Mr. Sayan Banerjee
Ms. Suparna Dutta
... for the petitioner.

Mr. Somnath Ganguly
Mr. Rajaram Banerjee
... for the State.

Mr. Sandipan Das
... for the respondent No.6.

Report filed by the State is taken on record.

Learned advocate for the petitioner submits as follows. A 12-wheeler truck belonging to the petitioner was stolen by the driver. The petitioner went to lodge an FIR before Ultadanga Police Station, the same was registered. The police authorities of Ultadanga Police Station referred him to Narkeldanga Police Station and then to Domjur Police Station. Finally, the Anti Motor Theft Squad investigated the case. The truck could not be traced out. The offender could not be arrested despite the fact that he had been merrily uploading reels on Instagrams. In respect of the co-accused who was arrested, the learned Public Prosecutor gave no objection to the grant of bail before the trial court.

Learned advocate for the State relies on the report and submits as follows. As the CCTV footages are kept

only for 15 days, no relevant footages could be obtained. The matter was referred to the Cyber Crime Unit to explore the social media postings of the accused. Warrant of arrest was issued against the absconding accused. Subsequently, the absconding accused was arrested from Assam. A charge-sheet has been submitted against the accused under Sections 120B/408/411/201 of the Penal Code with an option kept open for further investigation under Section 173(8) of the Penal Code. However, it is pertinent to mention that despite notice given under Section 91 of the Code to the actual owner, he could not produce any relevant document.

It appears that the accused named in the FIR have been arrested in this case. A charge-sheet has been filed. A scope has been kept open for further investigation, possibly in the event the truck could be recovered.

Therefore, no further order need be passed in this regard.

The writ petition is disposed of with the direction that during further investigation under Section 173(8) of the Code the police shall make further endeavour to trace out the truck, if possible.

The petitioner shall be at liberty to proceed with the insurance claim, if applicable.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

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

Parties shall act on a server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]