

WPA 24281 of 2023

Smt. Sanhati Chowdhury

-vs-

The State of West Bengal & ors.

Mr. Parikshit Goswami

...for the petitioner

Mr. Dyutiman Banerjee

...for the private respondent

Mr. Rajarshi Basu

Mr. Shehnaz Tareq Mina

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the three buses in question. During Covid period, she was unable to ply those buses. Later, by a verbal arrangement, she gave those buses to the private respondent/transporter on the understanding that he would ply those buses and repay the loan taken by the petitioner for purchasing the buses. He would also pay an amount to the petitioner as consideration. However, in spite of taking possession of the buses and plying the same, the private respondents failed to comply with the conditions. He has stopped paying anything, despite letters coming from the finance company. This was brought

to the notice of the police. An FIR was lodged. But a final report was submitted. The petitioner filed a protest petition which was allowed. Despite this, no effective step has been taken during further investigation. No one has been arrested. Nor have the buses being seized. The private respondent filed a suit in this regard, but failed to obtain any injunction.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. By an agreement entered into between the private parties, the private respondent is plying the buses. He has violated no condition of the agreement. He has filed a civil suit in this regard.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. An FRT was filed during the earlier investigation. Thereafter, a protest petition was allowed and now investigation is going on. However, the I.O. in spite of his best efforts, could not trace out the three buses.

It is for the appropriate trial Court to decide whether, at all, any written agreement was entered into and whether conditions for the same have been violated.

However, once an FIR is registered and subsequently, a further investigation is directed, the matter has to be taken to its logical conclusion.

Making a bald claim that efforts were made to trace out three buses serves no purpose.

Let the further investigation of the case be transferred to the CID with immediate effect.

The Investigation shall be concluded by the CID expeditiously and in accordance with law.

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.)