

86 30.01.2024
NB Ct. 14

WPA 25467 of 2023

Shiladitya Middya
Vs.
The State of West Bengal & Ors.

Mr. Sukanta Chakrabarty,
Mr. Zubair Ahmed.
..for the petitioner.

Mr. Amitesh Banerjee Id. SSC,
Mr. Suddhadev Adak.
...for the State.

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

Despite service, no one appears on behalf of the private respondents.

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 was cheated of a substantial sum by the private respondents. The police did not entertain the complaint. This prompted the petitioner to file an application under Section 156(3) of the Code. A direction was passed and an FIR was registered as Uttarpara PS Case No.179 dated 20.05.2023 under Sections 420 and 406 of the Penal Code. However, practically no investigation has been done in this regard. Till date, no charge sheet has been submitted. Even the accused had not been arrested.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The prime allegation of the petitioner is that although the accused owed about Rs.10,11,000/- , they paid back only Rs.4,95,000/- to the complainant. Investigation is going on. A notice was issued under Section 41A of the Code upon the respondent no.6 as well as the FIR named accused Tushar Kanti Das. The accused did not comply with the notice, but surrendered before the learned Court and obtained bail. Specimen signature and the handwriting of the FIR named accused and another would be taken by the Investigating Officer and a prayer has been made in this regard before the concerned learned Magistrate.

It appears that some steps have been taken by the Investigating Agency in investigating the case.

However, it is also quite strange that although the FIR that was lodged in May 2023, till date, no charge sheet has been submitted.

Let the Investigating Agency conclude the investigating at the earliest and in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)