

19 22.04.2024
NB Ct. 14

WPA 26489 of 2023

Avijit Gope
Vs.
The State of West Bengal & Ors.

Mr. Avijit Gope.
...petitioner (in person).

Mr. Amal Kr. Sen Id. AGP,
Mr. Lal Mohan Basu.
...for the State.

The petitioner appearing in person submits as follows. The petitioner had lodged a complaint before the police authorities for registering an FIR. The police did not entertain the complaint. This prompted him to move an application under Section 156(3) of the Code. The prayer was allowed and Patuli PS Case No.32 dated 18.02.2022 was started under Sections 420, 406, 417 and 419 of the Penal Code. But, no proper investigation was done. The first Investigation Officer submitted an FRT in 2022. The petitioner moved a protest petition. His prayer was allowed. Even thereafter, investigation has not been done properly. A charge has been submitted, but without proper investigation.

Learned counsel appearing on behalf of the State relies on the report filed earlier and the case diary and submits as follows. After further investigation was directed, the Investigating Officer continued the investigation and after completion of investigation, filed a charge sheet. There are statements of witnesses. There is a bank document showing that the money paid was received by the accused. Therefore, a clinching case is made out about the guilt of the accused.

However, the accused could not be arrested. No warrant has been issued against him. However, appropriate steps would be taken to seek appearance of the accused.

I have heard the petitioner appearing in person and the learned counsel for the State and have perused the case diary.

It appears that the Investigating Officer has collected documents available and according to him, a prima facie case is made out. The evidence includes bank statement, which would clearly bare out the transaction entered into.

However, it is surprising that no warrant of arrest has been issued against the accused till date.

Let the State authorities take appropriate steps to secure the attendance of the accused and continue with the proceeding thereafter, in accordance with law.

No further order need be passed in this regard.

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.)