

Sl.No.
7 10.12.2024
Court
No. 35
G.S.Das

WPA 28337 of 2024

Sanwar Ali
-Vs-
The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Sampriti Saha
Ms. Swati Dey
... for the petitioner(s)

Ms. Rima Banerjee
Mr. P. Biswas
... for the respondent no.7

Mr. Pratip Mukherjee
Ms. Chaitali Mukherjee
... for the respondent no.6
Mr. Amal Kumar Sen, Id. AGP
Mr. Lal Mohan Basu
... for the State-respondent(s)

The petitioner complains that he

has been defrauded under the garb of

providing loan to the tune of Rs.85 lakh

at the behest of the private respondent

no.6.

To that effect, the petitioner has

relied upon certain banking transactions as

also alleged that cash money has been

paid. However, the petitioner did not get any loan as committed by the respondent no.6.

A report has been submitted by the State. Let the same be kept with the record.

The main allegation against the respondent no.6 is in respect of money being paid and the commitment not being kept.

For the purposes of facilitating the loan, learned advocate for the respondent no.6 submits that an agreement was entered into. The genesis of an agreement do not absolve a person from criminal liability. The mode and manner of deceiving and the means by which the money is taken is always a subject-matter of investigation.

Learned advocate for the State

submits that it has got no jurisdiction to investigate the case.

To that effect, the same is disputed. The duty of a State is to give protection to its citizen and not to withdraw the support when the citizen is at difficulty.

The concept of 'Zero FIR' have been incorporated in the BNSS. If the local police station felt that it had no authority to investigate the case, they could have taken steps and followed the procedure under the new provisions of law.

Having not done the same, I direct the petitioner to approach the learned jurisdictional Magistrate under the relevant provisions of Section 175(3) of the BNSS. The learned Magistrate would, keeping in mind the observations made

above, pass necessary directions.

With the aforesaid observations,
WPA 28337 of 2024 is disposed of.

Let a copy of the report be
handed over to the learned advocate for
the petitioner.

Parties to act on a server copy of
this order duly collected from the official
website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)