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15.03.2024
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Ct 14

WPA 26805 of 2023

Shraboni Mukherjee
-vs-
The State of W.B. & ors.

Mr. Moyukh Mukherjee
Mr. Pritam Roy
Ms. Sagnika Banerjee

...for the petitioner
Mr. Somnath Ganguli
Mr. Sukalpa Seal
....for the State

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner made a complaint against the private respondents about cheating and committing criminal breach of trust as an agent in respect of huge amounts of money. First, the Recording Officer did not register the FIR under Section 409 of the Penal Code. Although the FIR was registered in October, 2022 and the seizure of relevant documents took place in May 2023, till date the investigation could not be concluded. Unnecessary notices are being given to the petitioner. After complying with notices issued under Section 41A of the Code, the accused are enjoying bail.

Learned counsel appearing on behalf of the State relies on the report and the case diary and submits as follows. After taking up investigation, the present officer investigating the case has taken necessary steps in unearthing truth. But,

the complainant petitioner is not cooperating despite service of notice under Section 91 of the Code. Some of the companies to which reference has been made by the complainant have denied having business of such kind.

It appears that some steps have been taken during investigation of the case. However, several questions remain unanswered. At any rate for an FIR registered on 09.10.2022, the investigation ought to have concluded by now.

In view of the above, let further investigation of the case be carried on by the Investigating Officer under the Supervision of Assistant Commissioner of Police (III), Chandannagar Police Commissionerate.

Let the investigation be concluded as expeditiously as possible and in accordance with law.

The petitioner shall also co-operate with the investigation of the case.

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.)