

D/L- 53
17.12.2024
Ct. No.-35
Aritra/sm

WPA 29599 of 2024

**Pintu Nath
Versus
State of West Bengal & Ors.**

Mr. Abhra Jena
Ms. Aishi Chatterjee
...for the petitioner

Mr. Amitesh Banerjee, Ld. Standing Counsel
Mr. Akash Dutta
....for the State
Mr. Dilip Kumar Maiti
....for the respondent no. 8
Mr. Anirban Mitra
Mr. Prabir Kumar Ray
Mr. Amit Halder
Mr. Amit Roy
.....for the respondent no. 9

Petitioner complains that in spite of Eco Park P.S. Case No. 171/24 dated 13.08.2024 having been registered on the basis of his complaint, wherein it was alleged that a sum of Rs. 2,60,000/- was paid for obtaining sanction plan, completion certificate, the accused persons by using forged and fake seal handed over a back dated building plan along with completion certificate.

In spite of informing the police station case has been registered but there is no progress in the case.

Mr. Banerjee, learned advocate appearing for the State has submitted that after registration of the case steps have been taken. One of the accused person was arrested and subsequently he has also been released on bail. So far as the proceedings for dishonour of cheque is concerned a case under Section 138 of the Negotiable Instrument Act is also pending before the learned judicial Magistrate, 2nd Court Barasat. Presently, I find that the main grievance of the petitioner is that another accused person has not been arrested and the petitioner within a close proximity of time has been granted bail. So far as the issue relating to arrest is concern the same is prerogative of the investigating agency. A court of law cannot direct the investigating officer to arrest any person. So far as the grievance relating to one of the accused being granted bail within close proximity of time of being arrested I am of the view that since a specific statutory provision exists, the petitioner would be at liberty to approach the jurisdictional court or the court having determination to deal with such issue.

Mr. Mitra, learned advocate appearing for the respondent no. 8 submits that hardly there are any allegations against the respondent, however, he has been unwarrantedly implicated in the case.

Be that as it may, as the investigation of the case is in progress, police authorities would effectively conduct the investigation and take the investigation to its logical conclusion.

Report so submitted by the State be kept with the record.

With the aforesaid observations, the writ petition being WPA 29599 of 2024 is disposed of.

There shall be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)