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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/295/2024
GOURI RAY
VS
THE STATE OF WEST BENGAL AND ORS .

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BEFORE :
THE HON'BLE JUSTICE JAY SENGUPTA
Date : 8th April, 2024.

Appearance :
Mr. S. Chakraborty, Adv.; Mr. S. Chakraborty, Adv.; Ms. B. Pramanick, Adv., for
petitioner.
Mr. J. Chakraborty, Adv.; Ms. N. Adhya, Adv., for State.

The Court : - Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an octogenarian lady. She inherited a part of the property in question from her father. She purchased another part of the said property and the rest of the said property was taken on rent. However, there was a tenancy dispute vis-à-vis that other portion of the property. Two of the accused approached the petitioner to have the matter settled. They took money to engage lawyers. Afterwards they brought an independent purchaser who gave a cheque of Rs.1 crore to the petitioner and asked her to keep it for the present. However, the same was not presented to the bank by the petitioner. In the meantime, the accused went on charging money from the

petitioner to have necessary orders obtained from the court of law. They supplied a copy of a forged ordersheet of this Court and duped the petitioner of further sums of money. Even the earlier Investigating Officer of the case defrauded the petitioner. He handed over a copy of the purported chargesheet dated November 8, 2022. However, no such chargesheet had actually been submitted. Even appropriate sections had not been included in the FIR. From the report handed over by the learned counsel for the State, it appears that a chargesheet no.32, dated April 2, 2024 was actually submitted in this case. This was after the writ petition was filed. Surprisingly, this too does not deal with the allegations of forgery of ordersheet of this Court. Nor does it deal with the suspicious role of the Investigating Officer. The report does not categorically deny the fact that the chargesheet earlier handed over to the petitioner was a false one.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A chargesheet has now been submitted against the accused. In his report filed before the Officer-in-Charge, Tollygunge Police Station, the concerned Investigating Officer has clearly denied about supply of the false chargesheet in question by him, as appended to the writ petition.

One thing is very clear that there has been no investigation regarding the forged ordersheet of this Court, copy of which was allegedly given to the petitioner. There has also not been any enquiry into the allegation of the petitioner that the erstwhile Investigating Officer had handed over a fake copy of the first page of the chargesheet. To this effect, the investigation is indeed incomplete.

In view of the above, I direct further investigation into the alleged offences. The same shall be conducted by the CID in terms of the discussions made in this order. Let the investigation be concluded expeditiously and in accordance with law.

The petitioner shall be at liberty to produce necessary documents before the CID and even otherwise cooperate with the investigation of this case.

The presence of the Investigating Officer is noted and is dispensed with.

With these observations the writ petition is disposed of.

Parties shall act on a server copy downloaded from the official website of this Court.

(JAY SENGUPTA, J.)

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