21.02.2025
Item No.21
Ct. No.35
dc.

<u>W.P.A. 3177 of 2025</u>

Rajnish Kumar Dubey
versus
The State of West Bengal & Ors.

Mr. Manas Das ... For the Petitioner.

Mr. Susovan Sengupta,
Mr. Tarak Karan ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner is aggrieved by the fact that a Chartered Accountant has defrauded him under the garb of depositing TDS and it was found that the certificate, which was issued, was forged and fake. To that extent, an information was furnished before the Officer-in-Charge, Survey Park Police Station, consequent to which Survey Park Police Station Case No. 62 dated 27.03.2024 was registered for investigation. The investigating agency on conclusion of investigation submitted charge-sheet before the jurisdictional court under the same sections. Presently the case has been transferred to learned Judicial Magistrate, 7^{th} Court, Alipore.

Since already cognizance has been taken on the charge-sheet so submitted by the investigating authorities and the prosecution is about to commence, if there are any grievance of the present petitioner, the petitioner would be at liberty to invoke the jurisdiction of the concerned court in seisin of the matter by way of resorting to Section 173(8) of the Code of Criminal Procedure.

At this stage, there is no scope for interference by invoking powers under Article 226 of the Constitution of India since a statutory court is already in seisin of the subject-matter of the case.

With the aforesaid observations, the writ petition being WPA 3177 of 2025 is disposed of.

There will 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.)