

D/L 188
27.02.2025
Bpg.
ct.no.35

W.P.A.3536 of 2025

**Ajay Kumar Agarwala
Versus
The State of West Bengal & Ors.**

Mr. Anindya Bose
Mr. Santanu Maji.
...for the petitioner.

Mr. Suman Sengupta
Mr. Sanatan Panja.
...for the State-respondents.

Mr. Soumya Nag
Mr. Surojit Dasgupta
Mr. Aditya Tiwari
Ms. Namrata Chatterjee
Mr. Karan Prasad.
...for the respondent nos.5, 6 and 7.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the fact that in
spite of informing the police authorities, no action has
been taken till date. The grievance of the petitioner is
that he has been defrauded by the private
respondents and in spite his right to claim his dues,
he has been threatened by the private respondents.
Police authorities were informed. However, the police
authorities did not take any appropriate steps.

Learned advocate for the State has submitted
a report. Report reflects that police authorities have

only registered a G.D. Entry being Bowbazar P.S. G.D.E.No.1083 dated 13.02.2025.

Learned advocate for the private respondents submits that in respect of certain old transactions the respondent nos.5 to 7 have been fakely shown to have been associated with respondent no.8 and all the allegations are against the respondent no.8.

In fact, the accusation of diversion of fund which has been made are without any foundation after a considerable period of time although there were at one point of time continuous commercial transaction existing between the parties.

Be that as it may, since the issues relate to commercial transaction, I am of the view that the petitioner would approach the jurisdictional Magistrate under the relevant provisions of law. Learned Magistrate would assess as to whether any cognizable offence is made out thereafter also ascertain as to whether a case for investigation has been made out and then only pass directions if he deems fit and proper.

With the aforesaid observations, WPA 3536 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

Copy of the report be handed over both the parties.

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

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

(Tirthankar Ghosh, J.)