

Sl.No. 36 04.03.2025
Court No. 35
G.S.Das

WPA 9008 of 2024

Sagar Pandey
-Vs-
The State of West Bengal & Ors.

Mr. Pinaki Ranjan Chakraborty
Mr. Amal Kumar Banerjee
... for the Petitioner(s)
Mr. Anirban Ray, Id. GP
Mr. Biswabrata Basu Mullick, Id. AGP
Ms. Munmun Ganguly
... for the State-respondent(s)

Mr. Rajesh Singh
... for the respondent no.7

State has submitted a report which reflects that under Section 173 Cr.P.C. the police authorities filed their report in Final Form before the learned jurisdictional Magistrate. The opinion of the investigating officer was that for want of sufficient evidence the accused may be discharged from the case.

The result of the investigation, according to the report so submitted, was informed to the complainant. There is a disputed question of facts involved over here. The petitioner claims that initially the

insurance policy was taken from Hindusthan Co-operative Insurance Society Limited in the year 1949, thereafter, the said company being Hindusthan Co-operative Insurance Society Limited was merged with Life Insurance Corporation of India.

The version of the Life Insurance Corporation of India is that it was established in 1956 and no document prior to 1956 is available with them, as such, they did not accede to such claim.

Be that as it may, the same is a disputed question of fact whether there was any merger amongst the two insurance companies.

If the petitioner is in possession of the materials, the petitioner would be at liberty to take out an application under Section 223 of the BNSS and/or under Section 200 of the Cr.P.C. before the learned jurisdictional Magistrate. The

learned Magistrate will assess regarding the factual matrix as to whether any cognizable offence is made out, thereafter, take decision whether issuance of process is required to be called for in respect of the accusations made by the petitioner.

The petitioner would preferably file such application as directed above within a period of 60 days, thereafter, the learned Magistrate would proceed in accordance with law.

With the aforesaid observations, WPA 9008 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

