

D/L 121
26.03.2025
Kausik
ct.no.35

**W.P.A. 10368 of 2024
With
CAN 1 of 2024**

**Damayanti Debi Tiwari & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Moyukh Mukherjee
Mr. Koustav Lal Mukherjee
Ms. Sagnika Banerjee
Ms. Sarmistha Basak
Mr. Kaustav Bhattacharya

...for the petitioners.

Mr. Ranajn Kali
Ms. Payel Nath

...for the respondent no. 4.

Mr. Sirsanya Bandopadhyay, Sr. St. Counsel
Mr. Suman Sengupta, Sr. Govt. Adv.
Mr. Tarak Karan
Mr. Sanatan Panja

...for the state.

Petitioners submit that they have been victimized as they entrusted their property to be sold out which is a larger piece of land and a part of the property belong to one of Akhilananda Tiwari whose daughter namely, Priyanka Tiwari after the demise of her father initiated the instant case being Polba PS Case No. 308/2023 dated 09.12.2023. The said case was registered under the relevant provisions of cheating and forgery.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the power of attorney was executed in favour of Sanjay Saha and Krishna Roy who are the main perpetrators of crime and the present petitioners along with other family members are victim of circumstances as their signatures have been forged by the said power of attorney holders.

Mr. Bandopadhyay, learned senior standing counsel appearing for the State submits that the handwriting expert's opinion, the finger print expert's opinion as well as other corroborative evidence including the money trail do suggest involvement of the petitioners in connection with the instant case.

Mr. Kali, learned advocate appearing for the respondent no. 4 rebuts the contention of the petitioners by submitting that not a single farthing has been received by the complainant and she has been deprived of her father's property which has been duped by the accused persons who happen to be relations.

I have considered the submissions of the learned advocate for the petitioners which is based on issue relating to disputed question of facts. At this stage, this court is not in a position to appreciate the truth or falsity of the accusations. I have considered the case diary and the materials

which have been collected by the investigating agency, I am of the opinion that prima facie case has been established by the police authorities to submit their report under section 173 of the Cr.P.C.

Accordingly, I am not inclined to interfere at this stage.

Petitioners would be at liberty to exhaust their statutory remedies in accordance with law and after supply of copy to her, if so advised would approach this court.

With the aforesaid observations WPA 10368 of 2024 is disposed of.

Accordingly, CAN 1 of 2024 is also disposed of.

Case diary be returned to the learned advocate appearing for the State.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)