

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1084/2024

AMITAVA DE BHOWMICK
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE TIRTHANKAR GHOSH

Date: April 10, 2025.

Appearance:

Mr. Abhimanyu Banerjee, Adv.

Ms. Priyanka Yadav, Adv.

...for the petitioner

Ms. Sreemoyee Mitra, Adv.

...for the Punjab National Bank

Mr. Amajit De, Adv.

...for the CBI

The Court: The petitioner has approached this Court being aggrieved by the inaction of the representation made to the Joint Director, CBI on or about 19.09.2024 against the Officers of the bank and certain individuals.

The petitioner's thrust of contention was that the money was granted on collateral security which were submitted to the bank on the basis of the forged and fabricated documents.

Pursuant to the writ petition being filed, CBI was directed to conduct a preliminary enquiry. Consequently, the CBI conducted an enquiry after registering PERR No. PE0102025A0001 and under the covering of DIG and Head of the Branch, CBI, ACB earlier report was submitted. Today, the Superintendent of Police, CBI, ACB, Kolkata has submitted report, according to which, no criminality and irregularity was found.

Learned Advocate for the Punjab National Bank, the respondent No. 5 is present and submits that bank has already proceeded to take steps in accordance with law before the Tribunal.

Mr. De, learned Special Public Prosecutor appearing for the CBI has submitted the report. Let the same be kept with the record.

The finding as recorded above, reflects that the CBI on the basis of the materials which they have collected as also witnesses they have examined in course of the enquiry, do not feel it deem and proper for registration of a case. Consequently, the petitioner is left with the only alternative relief to initiate a proceeding before the jurisdictional Court, if so advised, under the relevant provision of Section 175(3) BNSS. In case, such an application is filed, learned Magistrate would assess whether any cognizable offence is made out, ascertain whether there is any necessity or scope of investigation and consequently, pass necessary directions in accordance with law by exercising his discretion.

With the aforesaid observation, WPO/1084/2024 is disposed of.

Report dated 6th February, 2025 submitted by the CBI be kept with the record.

A copy of the report be handed over to the learned Advocate appearing on behalf of the petitioner.

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.)