

In The High Court at Calcutta
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 9973 OF 2026

**KKALPANA INDUSTRIES (INDIA) LIMITED AND
ANOTHER
VS.
THE STATE OF WEST BENGAL AND OTHERS**

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Mr. Indraneel Roy, Sr. Adv.
Mr. Somopriyo Chowdhury, Adv.
Ms. Anamika Pandey, Adv.
Ms. Dimple Mehra, Adv.

...For the Petitioners

Mr. Suryaneel Das, AGP
Ms. Anita Kundu, Adv.
Mr. Bhaskar Bhattacharyya, Adv.

...For the State

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioners and the State respondents.
3. It is submitted by Mr. Indraneel Roy, learned Senior Advocate representing the petitioners that there was a complaint lodged by the petitioner company of duping to the extent of ₹13 crores. It is further submitted that though criminal prosecution was initiated being Shakespeare Sarani P.S./ DD Case No.61 dated 3rd April, 2023 under Sections 120B/420 of Indian Penal Code but till date investigation has not been brought to its logical conclusion.
4. Prayer is made in this writ petition for filing report before the jurisdictional Magistrate on concluding investigation in connection with the aforesaid criminal prosecution or to direct the investigating agency to get the case investigated under the supervision of higher official.
5. Mr. Suryaneel Das, learned Additional Government Pleader representing the State respondents has filed a communication dated 22nd June, 2026 of Sub-Inspector,

Special Cell (GS), Detective Department and same is taken on record. Copy of the said communication dated 22nd June, 2026 is made over to the learned advocate representing the petitioners.

6. It is disclosed in the communication dated 22nd June, 2026 that previously criminal prosecution was initiated by Shakespeare Sarani Police Station but subsequently, investigating agency found it fit to bring the investigation under the aegis of the Detective Department for taking the prosecution to its logical conclusion.
7. In the communication dated 22nd June, 2026 it is also disclosed that under Section 41A Cr.P.C. notices were issued to the accused person being the Managing Director of CMI Energy India Private Limited and thereafter accused person appeared before the investigating agency on 3rd October, 2023, 29th November, 2023 and 20th December, 2023.
8. It was disclosed by the accused person during interrogation that ₹12,42,94,340/- was payable to the petitioner company at the material point of time and subsequently cheques to the tune of ₹6,71,90,498/- were issued but same were dishonored.
9. It was further disclosed in the said communication dated 22nd June, 2026 that during interrogation one debtors list was submitted by the accused person and it was contended that amounts were payable by the companies from the said debtors list to the company of the accused.
10. Based on various sources notices under Section 91 Cr.P.C. as well as under Section 160 Cr.P.C. were served to more than sixty-one companies from the said debtors list through e-mail or speed post. Pursuant to those notices, replies were received from some of the companies wherein it was disclosed that there is no outstanding amount payable to the company of the accused, namely, CMI Energy India Private Limited. Names of those companies

are also stated in the communication dated 22nd June, 2026.

11. In addition thereto there was further disclosure concerning dispute which is pending before the NCLT in between the petitioner company, namely, Kkalpana Industries (India) Limited and the company of the accused, namely, CMI Energy India Private Limited.
12. Therefore, on perusal of the facts disclosed in the communication dated 22nd June, 2026, it appears that there are certain issues which are required to be taken into consideration by the investigating agency while bringing the said investigation in connection with Shakespeare Sarani P.S./ DD Case No.61 dated 3rd April, 2023 to its logical conclusion.
13. However, taking note of the fact that criminal prosecution was initiated in the month of April, 2023 by lodging FIR being Shakespeare Sarani P.S./ DD Case No.61 dated 3rd April, 2023, concerned investigating agency is directed to make an endeavour to conclude the investigation at an early date and submit report before the jurisdictional Magistrate.
14. Writ petition stands disposed of.
15. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)