21
06.10.2026
Ct. No. 05
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WPA 26240 of 2026

Avijit Das
Vs.
The State of West Bengal & Ors.

Mr. P.P. Dasgupta
Mr. Anirban Dutta
Mr. ayan Mondal
...for the petitioner
Mr. Billwadal Bhattacharyya
Mr. Anirban Mitra
Mr. Mayukh Mukherjee
Ms. Shetparna Roy
...for the State
Mr. Subhajit Choudhury
Mr. S. Das
Mr. Binay Shaw
...for the respondent no. 4

1. Affidavit of service filed on behalf of petitioner is taken on record.
2. By presenting this writ petition allegation of overt action by the concerned police authority is made. It is submitted that two complaints were made one dated 14th August, 2026 before Officer-in-Charge, Belghoria Police Station and another dated 19th August, 2026 before Officer-in-Charge, Ashokenagar Police Station, North 24 Parganas.
3. However, on posing query to the learned advocate representing petitioner it could not be clarified that when such complaint dated 19th

August, 2026 was received by the concerned authority of Ashokenagar Police Station.

4. Complaint dated 14th August, 2026 contains prayer for lodging general diary in view of apprehension expressed therein by the petitioner that four signed blank cheques issued by petitioner in favour of respondent no. 4 may be presented before the bank authorities for encashment.

5. Mr. Bhattacharyya, learned Additional Advocate General representing State respondents disputes allegation of overt action by the concerned police authorities. It is also submitted that no complaint dated 19th August, 2026 was received by Ashokenagar Police Station, North 24 Parganas. However, it is submitted in connection with statements made in complaint dated 14th August, 2026 that it is precursor to initiate proceeding under Section 138 of N.I. Act as it was alleged that respondent no. 4 is having four signed cheques and there is an allegation of not paying loan amount by the petitioner to respondent no. 4.

6. On perusal of complaint dated 14th August, 2026 it transpires that sum was paid to the petitioner by respondent no. 4 as loan and there are contrary submissions made on behalf of petitioner and respondent no. 4 regarding

repayment of same by the petitioner to respondent no. 4.

7. In view of contents of complaint dated 14th August, 2026 at this stage no order need be passed on the police authorities taking note of allegation made that there is overt action on the part of concerned police authorities.
8. However, concerned authority of Belghoria Police Station shall be at liberty to take steps in accordance with law on receipt of complaint dated 14th August, 2026 of the petitioner.
9. Writ petition stands disposed of.
10. Parties to act on server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)