

February 5, 2024
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Ct. No.14
SG

WPA 1892 of 2024

The Directorate of Enforcement
vs.
The State of West Bengal and others

Mr. Dhiraj Trivedi
Ms. Debjani Ray
Ms. Swapna Jha
Ms. Sohini Dey

... for the petitioner

Mr. Amitesh Banerjee
Mr. Tarak Karan

... for the State

Mr. Billwadal Bhattacharyya
Mr. Amajit De

... for the CBI

Learned advocate appearing on behalf of the petitioner submits that the petitioner is the investigating agency which is conducting investigation in FIR being No.ECIR/KLZO-I/09/2023 dated 10.03.2023 which was merged with ECIR/KLZO-I/04/2022. This ECIR pertains to six FIRs which are being investigated and/or have been investigated by the State police. These are Kotwali P.S. Case No.136/2020 dated 22.02.2020, Nabadwip P.S. Case No.334/2020 dated 05.09.2020, Kotwali P.S. Case No.640/2021 dated 06.07.2021, Dhublia P.S. Case No.203/2022 dated 26.05.2022, Bhowanipur P.S. Case No.371/2018 dated 24.08.2018 and Ballygunge P.S. Case

very influential political entity belonging to the ruling political dispensation was arrested. His accomplice was also arrested, which led to discovery of such siphoning of money. However, it is apprehended that the State police would damage the original FIRs concerning the predicate offences so as to render the ECIRs redundant. Proper investigation has not been done in those six FIRs. Although five FIRs ended in charge-sheets and one ended in a final report. There are other similar cases/FIRs registered all over the State of west Bengal. It is requested that the State provide the details of the same as available to them in a short time so that necessary steps may be taken in this regard. The petitioner had sent a letter to the police on 11.12.2023 in terms of Section 66 of the PML Act. As politically influential persons are involved in this scam, it is necessary that the investigation/further investigation of the cases be handed over to the CBI.

Learned advocate for the State denies the allegations made in the writ petition and submits that the State would like to use an opposition in this regard. It is doubtful that an investigating agency can pray for transfer of investigation to another investigating agency. The very fact that in five out of six cases made by the

It may be germane to mention that this Court had earlier directed the investigations to be transferred to special investigation teams constituted by certain police officers at the behest of investigation agency. On this, reliance is placed on (i) CBI vs State of W.B. & Ors., 2023 SCC Online Cal 1026, (ii) Enforcement Directorate vs State of W.B. & Ors., 2024 Online Cal 418.

Here, it appears that out of the six criminal cases referred to by the petitioner, in five cases charge-sheets have been submitted and in one case, a final report has been submitted praying for exoneration of the accused.

The matter needs to be heard at length.

Opposition, if any, be filed within a fortnight from this date. The same shall disclose other criminal cases, if any, registered in the police stations over the same issue. Reply, if any, be filed within a week therefrom.

List the matter for hearing under the heading "To Be Mentioned" on 05.03.2024.

The State shall produce the case diaries of all the six cases on the next date of hearing.

For the present, the proceeding in respect of Ballygunge PS Case No.8/2019 dated 15.01.2019, if continuing, shall remain stayed till 12.03.2024.

Other interim prayers can be considered only after

Parties shall act on a server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]