

Special Case 07/18
U/W.B.P.I.D.F.E Act

1
15.03.2018

Received one FIR of Patuli PS bearing no. 48 dated 14.03.2018 u/s 420/406/120B of IPC and u/s 3 of the West Bengal Protection of Interest of Depositors in Financial Establishment Act, 2013 along with other documents.

Seen the FIR and other documents. Registered as Special Case 01 of 2018, U/W.B.P.I.D.F.E Act.

D/C by me.

Sd/-I. Adhikary
Designated Judge,
U/W.B.P.I.D.F.E. Act.
Alipore

Sd/-I. Adhikary
Designated Judge,
U/W.B.P.I.D.F.E. Act.
Alipore

2
21.03.2018

The record is put up this day by a petition submitted by the defacto complainant Shashwatee Banerjea who intends to move another petition filed this day for withdrawal of the complaint and a direction upon the investigation officer to stop investigation of this case on the ground that she had already received payment and the dispute has been amicably settled. Ld. Advocate for the applicant/defacto complainant moved the petition and Ld. Chief PP, Alipore raised objection on the ground that the offence is not compoundable, so the withdrawal of the complaint and stop investigation can not be allowed on prayer of the defacto complainant in this case.

Perused. Heard. Considered.

In this case, defacto complainant submitted the complaint for offence punishable u/s 406/420/120B of the IPC and Section 3 of the W.B.P.I.D.F.E Act. The offence punishable U/ W.B.P.I.D.F.E Act are not compoundable offence. So, the petition filed by the defacto complainant can not be allowed, hence, it is rejected.

Now, after perusing the complaint and hearing the Ld. Chief PP and defence lawyer I find that mere allegation of the complainant was that the concerned company refused to pay back the money deposited with them by the complainant, but in the complaint there is no allegation in respect of violation any provision of W.B.P.I.D.F.E Act or the rules and regulations of SEBI and RBI.

Once the investigation has commenced after filing of the FIR this court do not think it prudent to interfere with the investigation. It shall be lawful for the IO to investigate as to whether there is any prima facie case and then to submit either a charge sheet or a final report if no case exists accordingly.

Copy of order may be supplied to the Chief PP for the information of the IO on request of the parties. To **06/10/2018** For I.O's report.

D/C by me.

Sd/-I. Adhikary
Designated Judge,
U/W.B.P.I.D.F.E. Act.
Alipore

Sd/-I. Adhikary
Designated Judge,
U/W.B.P.I.D.F.E. Act.
Alipore