

(2023) 06 CHH CK 0030
In the Chhattisgarh High Court
Case No : Writ Petition (CR) No. 529 Of 2020

K.K.Dey

APPELLANT

Vs

Union Government Of India

RESPONDENT

Date of Decision : 23-06-2023

Acts Referred:

Indian Penal Code, 1860 — Section 420, 435, 467, 468

Citation : (2023) 06 CHH CK 0030

Hon'ble Judges : Ramesh Sinha, CJ; Rakesh Mohan Pandey, J

Bench : Division Bench

Advocate : Saket Pandey, Tushar Dhar Diwan, Wasim Miyan

Final Decision : Disposed Of

Judgement

1. Heard Mr. Saket Pandey, learned counsel for the petitioner as well as Mr. Tushar Dhar Diwan, learned Central Government counsel, appearing for Union of India and Mr. Wasim Miyan, learned Panel Lawyer, appearing for the State.

2. This writ petition has been filed by the petitioners with the following reliefs :

"10.1 That Respondent agency Central Bureau of Investigation may be directed to take cognizance in the matter and register a separate FIR against the present accused persons and other postal authorities involved in the scam and investigate in the case.

10.2 That the Hon'ble Court may kindly direct that a rigorous re-investigation / further investigation to be conducted regarding the crime no.542 in First Information Report which is lodged under Section 420, 435, 467, 468 of the Indian Penal Code in a associated Police Station regarding Respondent no.03, 04 regarding the incident and proper investigation shall be conducted by authority equal to Superintendent of Police against the involved Respondents free from their influence and interference.

10.3 That, a detailed departmental inquiry may be directed to be conducted for

the inquiry into the conspiracy weaved by the Postal Department.

10.4 That any other relief which this Hon'ble Court may deem fit and just in the facts and circumstances of the case."

3. Case of the petitioners are that, the petitioners are retired government employees and they fell into a trap of Akshay Consultancy at Bilaspur, which promised of depositing their retiral benefits to Postal Department. The petitioner deposited lacs of rupees along with more than hundred customers of Agency from the year 2010 to 2019 and whenever the customers inquired about their account details and passbooks, they were not provided any information either from Agency or the Government Postal Department. The Agency fled away with whole some money and laundered it with the help of Postal Department as there are no traces and whenever customers were try to find out their account details, they do not receive any kind of information and help. Thereafter, several customers jointly reported the whole series in Police Station and investigation is in hanging point. Even previous investigation was also not satisfactory and Postal Department in probability of being caught and considered liable are trying their best to escape their responsibilities and no co-operating with their own customers.

4. Learned counsel for the petitioners states that petitioners have preferred several representations to various authorities, but no action has been taken by the authorities concerned. He further submits that the investigating agency has failed to arrest the main accused and resultantly, the investigation of the whole crime is depreciating day by day and reached to a point from where there is very less probability of getting finality. It has been contended that the whole incident has created havoc in the life of the petitioners, and hence, they prayed early investigation in the matter.

5. On the other hand, learned counsel, appearing for the respective respondents submit that the First Information Report has been lodged against the accused persons for the offence punishable under Sections 420, 435, 467 & 468 of the Indian Penal Code and investigation is going on.

6. Considering the matter in its entirety and considering the relief as claimed by the petitioners in this writ petition as well as rival contention of learned counsel, appearing for the respective respondents that the First Information Report has been lodged and the investigation is going on, we direct the respondent authorities to conclude the investigation within a period of six weeks from the date of receipt of certified copy of this order.

7. With the aforesaid observations / directions, the writ petition stands disposed of.