

THE HIGH COURT OF TRIPURA
AGARTALA

CRL PETN NO.24 OF 2010

Petitioner :

Smti. Maitreyi Deb Roy,
Wife of Shri Tarun Kumar Roy,
Resident of 6-Jagannath Bari Road,
Opposite Longtraï Hotel,
P.S. West Agartala,
District-West Tripura.

By Advocate :

Mr. T.K. Deb, Advocate.

Respondents :

- 1. The State of Tripura,**
Represented by the Secretary,
Home Department,
Government of Tripura,
Agartala, Tripura (West)
- 2. Sri Soumen Gupta,**
Son of Sri Tripti Lal Gupta,
C/O "Anjali Nivas,"
Resident of Ramnagar Road No. 7,
P.S. West Agartala, Tripura (West),
P.O. Ramnagar.
- 3. Sri Bapi Saha,**
Son of Sri Babul Saha,
Resident of Milan Sangha, Bardwali,
P.S. West Agartala, Tripura (West),
P.O. A.D. Nagar.
- 4. Sri Rupak Das,**
Son of Sri Rabindra Das,
Resident of Village Jambura,
Sub-Division- Khowai,
P.S. Khowai Tripura (West),
P.O. Khowai.

By Advocates :

Mr. R.C. Debnath, Addl. P.P.
Mr. D.C. Saha, Advocate.

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **04.8.2015**

Whether fit for reporting : **NO.**

JUDGMENT & ORDER(ORAL)

Briefly stated, the facts of the case are that the petitioner herein started a study centre known as the NIMTT study centre. The petitioner claimed that this study centre was a franchise and sister unit of a registered company NIMTT situated at Kolkata. According to the petitioner, she is the authorized Director of the unit stand as NIMTT study centre, Agartala. It is not disputed that the petitioner published a prospectus in the newspapers wherein it was projected that students who got admission in the study centre would be granted admission in the J.R.N. Rajasthan Vidyapith University, Udaipur, Rajasthan for Diploma Course in Civil Engineering.

(2) On the basis of this prospectus, the complainant and two of the witnesses paid a sum of Rs.18,000/- each to the petitioner and they were registered as students and tuition fee of Rs.1000/- per month was charged from them. However, they were not given any registration card and they were not admitted in the J.R.N. Rajasthan Vidyapith University, Udaipur, Rajasthan. After about 1(one) year, when the students and their guardians came to meet the petitioner, they found that the course was a totally fraudulent course.

(3) The case of the petitioner is that she was always ready and willing to return the money and is still ready to return the money. The petitioner also contends that she was trying to get the students admitted in some other university in the same course. It is also contended that no offence under Section 406 or 415 I.P.C is made out.

(4) The complaint was filed by one of the students Soumen Gupta. The police has investigated the matter and recorded the statement of two witnesses namely Rupak Das and Bapi Saha who have both supported the same of the complainant.

(5) On the basis of investigation, the police filed the charge sheet and the petitioner has approached this Court for quashing the charge sheet under Section 482 of the Cr.P.C. Pursuant to this petition being filed, the proceedings in the trial Court have been stayed for the last 5(five) years.

(6) I have no doubt in my mind that this petition is a total abuse of the process of law. Very lengthy arguments have been addressed that no offence of criminal breach of trust or cheating is made out. At this stage, the evidence of the prosecution has not to be tested and all the facts stated in the charge sheet have to be accepted as the gospel truth.

(7) The allegation of the complainant and his witnesses is that they were cheated because the petitioner promised them that they would get admission in the J.R.N. Rajasthan Vidyapith

University, Udaipur, Rajasthan in Civil Engineering Diploma Course. There is not a semblance of evidence on record to show that any such arrangement has been made by the petitioner. The money was paid by the complainant and the two witnesses on the basis of the allegedly false assurance held out by the petitioner in the prospectus. That assurance has not been fulfilled and, therefore, I am clearly of the view that this is a fit case where proceedings against the petitioner should continue.

(8) It is made clear that this Court has not expressed any opinion on the merits of the case because that has to be decided on the evidence led in Court but it cannot be said that there is no *prima facie* case against the petitioner.

(9) Therefore, the petition is dismissed. The petitioner is directed to appear before the learned trial Court on 22nd December, 2015 and trial Court shall now proceed to decide the matter as early as possible.

(10) Send down the lower court records forthwith.

CHIEF JUSTICE