

**THE HIGH COURT OF TRIPURA
AGARTALA**

CRL. REV. P. NO.27 OF 2011

Smt. Uttara Deb,
Wife of Shri Arunendu Deb,
R/O Ramnagar Road No.9,
P.O. Ramnagar, P.S. West Agartala,
District-West Tripura.

..... *Petitioner*

- *Vs* -

The State of Tripura,
Represented by the Secretary,
Department of Home,
Government of Tripura,
New Civil Secretariat Complex,
P.O. Kunjaban, P.S. East Agartala,
District-West Tripura.

..... *Respondent*

**BEFORE
THE HON'BLE MR. JUSTICE S.C. DAS**

For the petitioner : Mr. R. Dutta, Advocate
For the respondent : Mr. A. Ghosh, P.P.

Date of hearing & delivery
of Judgment & order : **22.04.2015.**

Whether Fit for Reporting :

Yes	No
	✓

JUDGMENT & ORDER(ORAL)

Heard learned counsel, Mr. R. Dutta for the petitioner
and learned P.P., Mr. A. Ghosh for the State respondent.

2. This is a petition challenging order dated 23.02.2011 passed by learned Judicial Magistrate, First Class, Agartala in G.R. Case No.279 of 1999 wherein the learned Magistrate directed that charge should be framed against the petitioner, Uttara Deb and other five accused persons for commission of offence punishable under Sections 409, 468, 471 and 34 of IPC.

3. There was an allegation of embezzlement of public fund amounting to ₹7,24,000/-. Police submitted charge sheet after investigation.

4. It is submitted by Mr. Dutta, learned counsel of the petitioner that the petitioner was in the Receipt Section for one day and only for her action on one day she has been entangled in the case.

5. Learned Magistrate, as I find, passed a reasoned order considering the materials on record.

Law regarding framing of charges is well settled. Section 239 of CrPC prescribes that only the Magistrate shall discharge the accused if the acquisition is totally groundless. Section 240 of CrPC prescribes that if there is some material for presuming that the accused has committed an offence, charge should be framed.

Learned Magistrate, after considering the materials arrived at a finding that there are grounds for presuming that the accused-petitioner has also committed an offence and therefore directed framing of charges.

6. I find nothing to interfere in the order and hence the revisional application stands dismissed.

7. The learned Magistrate should frame the charges against the accused persons and proceed with the trial without wasting time.

8. Send back the L.C. records along with a copy of this judgment.

JUDGE