

21.09.2021

Item No.2
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 114 of 2012
(Via Video Conference)

Shipra Pramanik
versus
The State of West Bengal & Anr.

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Sourav Chatterjee,
Mr. Debapratim Guha ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Ranabir Roy Chowdhury,
Ms. Debjani Sahu ... For the State.

This revisional application was preferred challenging the proceedings arising out of Haroa Police Station Case No. 183 of 2010 dated 17.07.2010 (G.R. No. 1761 of 2010) pending before learned Additional Chief Judicial Magistrate, Basirhat, North 24-Parganas.

Mr. Chatterjee, learned advocate appearing for the petitioner challenges the proceedings on the ground that charge-sheet which has been submitted before the learned Magistrate is devoid of material for implicating the present petitioner as well as the authority of the learned Magistrate in taking cognizance of the offence under Sections 420/407/409 of the Indian Penal Code.

Mr. Mukherjee, learned Public Prosecutor appearing for the State submits that the allegations relate to government funds and as such, the petitioner having dominion over the same, is to be tried under the provision of Section 409 of the

Indian Penal Code. However, the learned Public Prosecutor is candid on the fact that the case should be tried by a Special Court.

Mr. Chatterjee, learned advocate for the petitioner has drawn the attention of this Court to series of documents to substantiate that neither the investigating officer in course of investigation nor any authorities have paid heed to the receipts and the manner in which expenditure has been made and the allegation initially against the petitioner was for under-utilization of funds.

Be that as it may, this Court finds that the nature of allegation complained of and the sections which have been incorporated in the charge-sheet, *prima facie*, makes out an offence for being tried by the jurisdictional Special Court instead of the learned Magistrate who took cognizance of the offence.

In view of the aforesaid, let the records be transmitted to the court of the learned jurisdictional Special Court from the court of the learned Additional Chief Judicial Magistrate, Basirhat within a period of fifteen days from date.

The learned Special Court, on receipt of the records, would fix date for ascertaining whether the documents under Section 207 of the Code of Criminal Procedure were handed over to the petitioner and thereafter fix date for consideration of charge.

Having regard to the fact that this Court have not entered into the merits of the case, the petitioner is granted

liberty to agitate all the points canvassed in this revisional application at the stage of consideration of charge which the learned Special Court would independently consider without being swayed by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR 114 of 2012 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)