

11.06.2021
Court No.28
SL No.121
PJ/KC

CRM 2625 of 2021
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Special Case No. 30 of 2021 arising out of J.B. P.S. Case No. 286/2017 dated 24.11.2017 under Section 409 & 34 of the Indian Penal Code;**

And

In the matter of: **Tanushree Mondal**

....Petitioner.

Mr. Md. Golam Nure Imrohi
Mr. Mrityunjoy Chatterjee,

... for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee,
Mr. A.K. Dutta

...for the State.

Learned counsel for the petitioner submits that the allegation is primarily civil in nature. It is also submitted that the petitioner has been charged with defalcation of the funds from the Gobindapur Samabai Krishi Unnayan Samiti. It is further argued that the petitioner was not posted in the said Samiti/Bank during the period when the defalcation of money had taken place in the Samiti/Bank.

Learned counsel for the State by reference to the case diary submits that the petitioner has admitted to refund of about Rs. 1,00,000/- (Rupees One Lakh) out of Rs. 14,00,000/- (Rupees Fourteen Lakh). Another witness has also stated in the statement under Section 161 CrPC that the petitioner may have refunded about Rs. 6,00,000/- (Rupees Six Lakh).

Learned counsel for the petitioner would argue that the statements have no value in the eye of law, as they were made before a

Police Officer or the Investigating Officer and not before a Magistrate or in course of Trial.

However, in so far as the present application is concerned under Section 439 Cr.P.C., this Court cannot ignore such statements and hence the application under Section 439 Cr.P.C. of the petitioner is rejected.

CRM 2625 of 2021 is accordingly dismissed.

Learned counsel for the petitioner has however made an innocuous prayer that trial may be expedited. It is, therefore, ordered that the Court below shall conclude the trial in question as expeditiously as possible preferably within a period of ten months from the date of communication of the copy of this order.

The Registry shall communicate this order to the Court below.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)