

24.08.2021
Item no.11
Ct. No.34
CHC

C.R.R. No.2062 of 2018
(Via Video Conference)

In Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure.

AND

In the matter of:-

Nilima Mukherjee & anr.
... petitioners

Mr. Apurba Krishna Das,
Mr. Arup Krishna Das
...for the petitioners

Mr. Swapan Banerjee,
Mr. Suman De
...for the State

Learned advocate for the petitioners by referring to certain documents emphasizes that whole of the amount which was taken as loan has been repaid to the bank and as such criminal proceeding may be quashed.

Mr. Suman De, learned advocate appearing for the State draws attention of this Court to the certain documents available in the Case Diary and disputes the contention raised by the learned advocate for the petitioners.

Be that as it may, the very contention of the learned advocate for the petitioners that since they have repaid the money which

was taken as home loan there should be discontinuance of the criminal case is against the established principle of law. Mere repayment does not exonerate a person from a criminal case. The investigating agency on conclusion of investigation has already submitted charge-sheet.

Petitioners would be at liberty to take up the points canvassed in the revisional application at the stage of consideration of charge before the learned trial court. At this stage, the case is premature and no interference is called for.

Hence, C.R.R.2062 of 2018 is disposed of with the aforesaid observations.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)