

13.12.2021

Court No.39  
Item No.9

Ab

**CRA 545 of 2003**

**K. C. Balasubramaniam  
Vs.  
The State of West Bengal.**

**Mr. Tanmoy Kumar Ghosh,  
Mr. Prabhas Bhattacharjee,  
Mr. Arindam Sen.**

**... For the State.**

None appears for the appellant, K. C. Balasubramaniam.

The respondent, the State of West Bengal, is represented by Mr. Tanmoy Kumar Ghosh, learned Senior Government Advocate.

It appears that despite several administrative notices were issued to the appellant, neither the appellant nor the learned Advocate has turned up before this Court.

What I feel, the appellant is not interested to proceed with the appeal.

Learned Advocate appearing for the State submits that the Court may pass necessary order as it deems just after going through the case record.

Being aggrieved by the judgment and order of conviction and sentence passed by the learned Judge, Fourth Special Court, Calcutta in Special Case No. 2 of 1988, the appellant, K. C. Balasubramaniam, has preferred the instant appeal.

To put briefly, the prosecution case may be stated as under:

The appellant, K. C. Balasubramaniam, was the Manager of the Central Bank of India, New Market Branch, Calcutta. He entered into a criminal conspiracy with one Parimal Roy of Village –

Udayrampur, District – South 24-Parganas and in pursuance of such conspiracy, the appellant, K. C. Balasubramaniam, sanctioned cash credit limit of Rs. 2,75,000/- and a term loan of Rs. 1,00,000/- in favour of the firm of Parimal Roy, who was arraigned as accused no. 2 herein. The firm under name and style 'M/s. Packing India' at 35, Chitta Ranjan Avenue, Calcutta – 700006, allegedly owned by the accused Parimal Roy, was fictitious one. The prosecution alleges that the loans were released in favour of the accused Parimal Roy in an irregular manner and without following the rules of the bank. The accused Parimal Roy withdrew a sum of Rs. 3,75,000/- as sanctioned by the appellant in illegal manner.

On the basis of the allegations, Shri T.N. Biswas, the Inspector of Police, Central Bureau of Investigation, lodged a First Information Report suo motu, which was registered as a case being Crime No. 68 of 1986 dated 23<sup>rd</sup> September 1986 for the offence under Sections 120B/420 of the Indian Penal Code and Section 5(2) read with Section 5(1)(d) of the Prevention of Corruption Act, 1947. After completion of investigation, the charge-sheet was submitted against the accused persons on the aforesaid offences. Ultimately, charge was framed also on the said offences against all the accused persons, who pleaded not guilty to the charge.

On analyzing and appreciating the evidence on record, the learned Trial Judge by the impugned judgment acquitted the accused no. 3, Jadunath Makal, also known as Mondal, of the charges as leveled against him. But the learned Trial Judge found the accused K. C. Balasubramaniam and Parimal Roy guilty of commission of offences as above. By the judgment, the appellant, K. C.

Balasubramaniam, was sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs. 1,000/- for the offence punishable under Section 120B of the Indian Penal Code. He was sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs. 500/-, in default to suffer rigorous imprisonment for a further period of two months for the offence punishable under Section 420 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for a period of six years and to pay a fine of Rs. 5,000/-, in default to suffer further rigorous imprisonment for a further period of six months for the offence punishable under Section 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act, 1947.

The accused Parimal Roy was sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs. 1,000/-, in default to suffer further rigorous imprisonment for three months for the offence punishable under Section 120B of the Indian Penal Code. He was also sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs. 500/-, in default to suffer further rigorous imprisonment for two months for the offence punishable under Section 420 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs. 500/-, in default to suffer further rigorous imprisonment for three months for the offence punishable under Section 465 of the Indian Penal Code and he was also sentenced to suffer rigorous imprisonment for six years and to pay a fine of Rs. 5,000/-, in default to suffer further rigorous imprisonment for six months for the offence punishable under Section 471 of the Indian Penal Code. All the sentences were

directed to run concurrently.

I have minutely read the judgment passed by the learned Trial Judge. I have also gone through the evidence on record.

What I find, the learned Trial Judge rendered the judgment on analyzing and appreciating the evidence on record in proper perspective. I do not find any illegality or irregularity in the judgment passed by the learned Trial Judge.

As such, the judgment does not call for any interference by this Court.

Therefore, the appeal is dismissed on merits accordingly.

The judgment and the order of conviction and sentence passed by the learned Judge, Fourth Special Court, Calcutta in Special Case No. 2 of 1988 is hereby confirmed.

The bail bond furnished by the sole appellant, K. C. Balasubramaniam, stands canceled.

The appellant is directed to surrender before the Trial Court immediately to serve out the remaining part of the sentence. If the appellant fails to appear before the Trial Court, the learned Trial Judge is at liberty to pass necessary order including issuance of non-bailable warrant of arrest against the convict so that he serves out the remaining part of the sentence.

Send down the Lower Court Records along with the copy of the judgment to the learned Court below.

**(Rabindranath Samanta, J.)**