

**In the High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Subhasis Dasgupta.

CRR No. 1541 of 2020

**Kamala Chatterjee, Secretary, Nawapara, Laxmi Narayan Khadi- O-
Gramonnayan Mahila Sanstha.**

Vs.

State of West Bengal & Ors.

For the Petitioner :Mr. Tapan Dutta Gupta, Adv.
Mr. Kallol Guha Thakurta, Adv.
Mr. Parvej Anam, Adv.

For the State :Mr. Sudip Ghosh, Adv.
Mr. Bitasok Banerjee, Adv.

Heard on : 28.01.2021.

Judgment on : 09.02.2021

Subhasis Dasgupta, J:-

The Court is approached under Section 482 of the Code of Criminal Procedure for quashing of an investigation, now being undertaken by the Anti Corruption Branch Police Station, West Bengal under the provisions of Prevention of Corruption Act together with Indian Penal Code on the allegation of alleged misappropriation of the government fund, worth of Rs.93 lakhs, released for the work of 3000 family type bio-gas plant in Bihar, under the

National Bio-Gas Manure Management Programme (NBMMP) in the year 2011-12 undertaken by West Bengal Renewable Energy Development Agency (WBREDA).

Learned advocate, Mr. Tapan Dutta Gupta, representing the petitioner submitted that his client, who is the Secretary of Nawapara, Laxmi Narayan Khadi- O- Gramonnayan Mahila Sanstha, had been falsely implicated in this case in absence of her any overt act being performed to the alleged commission of crime. Mr. Dutta Gupta drawing attention of the court to a memo, dated 16.05.2011, addressed to the petitioner, issued by the Directorate of WBREDA, (being annexure 'A' to the instant revisional application), submitted that some of the equipment pertaining to family type gas plants installation were proposed to be supplied by the authorized outlets, selected by WBREDA for the purpose, without which the proposed installation work could not be done. Making further reference to a memo, dated 19.11.14, addressed to the petitioner, issued from WBREDA (being annexure 'B' to the revisional application). Mr. Dutta Gupta contended that since WBREDA intimated by its letter dated 19.11.2014, to the petitioner that WBREDA would not provide any hardware and accessories for the bio-gas stove of bio-gas plant, the petitioner had to face difficulty to finish the proposed work causing appropriate installation for the purpose. Correspondence was then taken out to the authority concerned of WBREDA for redressal, at the instance of the petitioner, so that the proposed project could be finished, but all in vain, learned advocate for the petitioner argued.

Taking such grounds Mr. Dutta Gupta persuaded the court to believe that petitioner had no role to the alleged misappropriation of the government fund and thus petitioner has been falsely implicated in this case.

Mr. Ghosh, representing the State submitted that the selection of the 6 (six) NGOs had been illegally considered making contravention of the finance rules, and further that none of the beneficiaries had been benefited with the proposed installation, even the list of beneficiaries could not be supplied properly to the authority concerned. It was contended by Mr. Ghosh that some government officials after making colourful use of their official position attached with WBREDA department and with the active connivance of office bearers of the NGOs, including the petitioner, had misappropriated the government fund, worth of Rs. 93 lakhs.

Mr. Ghosh further contended that neither list of beneficiaries could be furnished by the petitioner, nor there left anything to reveal that the petitioner even had performed preliminary work doing something tangibly with the knowledge of the beneficiaries, and more so the contention raised by the petitioner being a subject of investigation, the same would go uninterfered with.

Incidentally Mr. Ghosh drew attention of the court to the Para-24 of the revisional application, wherein petitioner had mentioned that expressing all his grievances two Writ Petitions had been filed before the Calcutta High Court, being W.P No. 16729 (W) of 2014 and W.P. No. 6412(W) of 2018, which are still pending for hearing. Referring such averments in the revisional

application, Mr. Ghosh contended that proposed quashment should not be acceded to, disturbing the on going investigation.

Having considered the submission of the rival parties, it appears that the entire effort of the petitioner was to interfere with the investigation, since the correspondence initiated from the end of petitioner to the WBREDA remained unanswered. It is thus attempted to establish by the petitioner that due to the non-cooperation of the authority selecting the NGOs for the proposed project, and for the communication of a letter, addressed to the petitioner, issued from WBREDA in the year 2014, the petitioner was prevented by sufficient causes from giving effective shape to the proposed project. The plea so raised by the petitioner is perceived to be matter of investigation, which is now being undertaken.

The proposition of law is very clear that unless glaring illegality is shown to have been established in the institution of a criminal case, the investigation of which should not be interfered with.

Upon considering the seriousness of the offence surfaced over the allegation of illegal selection of the NGOs, including the petitioner, making infraction of the financial rules leading to the misappropriation of government fund, and thereby frustrating the proposed project, the court is of the view that the proposed quashment is without any merits, so as to interfere with the investigation. The prayer for proposed quashment of the F.I.R. is thus refused.

The revisional application stands dismissed being without any merits.

With this observation and direction, the revisional application stands disposed of.

Office is directed to communicate this order to Court below without making any delay.

Urgent photostat certified copy of this judgment, if applied for, be given to the appearing parties as expeditiously as possible upon compliance with all necessary formalities.

(Subhasis Dasgupta, J.)