48 19.01.2021
rkd Ct. no.42

C.R.R. 1832 of 2020
(Through Video Conference)

In the matter of: Ramesh Haite

....petitioner.

Mr. Mr. Ujjal Ray

...for the petitioner.

Mr. Madhu Sudan Sur,
Mr. A. Hossain
Mr. D. Paramanick

...for the State.

Memo of evidence furnished by the petitioner also be taken on record.

This is an application for quashing of a proceeding of Singur P.S. Case No. 55 of 2014 dated 20.02.2014 under Sections 420/465/467/468/471/34 of the Indian Penal Code vide G.R. Case No.231 of 2014, which ended in charge-sheet, and now pending before the court of learned Additional Chief Judicial Magistrate, Chandannagore.

C.D. of this case is produced by Mr. Sur, learned advocate representing the State.

Mr. Roy, leaned advocate for the petitioner submits that with the liquidation of the loan amount, stated to have been cheated, there lies no "live" issue requiring adjudication any more. It is further contended by Mr. Ray that the continuation of the proceeding before the court below will be an abuse of the process of court on the score that petitioner was appointed, as facilitator in sanctioning loan from Bank to the poor farmers, on 24th August, 2011, while KCC loan transaction from the bank was made even before the appointment of the petitioner as facilitator, which will appear from a document, enclosed with the revisional application, crediting Rs.23,000/- in the name of one of the borrowers, out of 101 borrowers. Adverting two documents, shown at pages 35 and 36 of the revisional application, Mr. Ray also contends that when the bank has individually reported to borrower concerned certifying that there left no due to be recovered, the proceeding pending in the court below should not be proceeded further.

Mr. Sur, learned advocate representing the State submits that in this case petitioner acting as a facilitator-cum-agent duped the bank furnishing some fake record of rights of some borrowers causing illegal sanction of KCC loans to 101 borrowers to the tune of Rs.82 lakhs approx. According to Mr. Sur, huge Bank money in the name of sanctioning loan has been siphoned committing fraud, practised upon the bank by some of the facilitators, the name of whom have been disclosed in the FIR itself. It is further submitted that there has been an enquiry immediately upon detection of fraud, practised upon the bank by furnishing some fictitious record of rights, and the concerned bank Manager was placed under suspension. Referring the gist of such case, Mr. Sur submits that the offence cannot be said to have been gone away merely taking the ground of liquidation of Rs.23,000/-, by one Prosanta Sadhukhan, who is found to be one of the borrowers, out of 101 borrowers. Attention of the court is drawn by Mr. Sur to page 33 of the instant revisional application (a bank statement) wherefrom it appears that there was two disbursements of two different sum amounting to Rs.23,000/- and Rs.64,000/- each, credited in the name of one Prosanta Sadhukhan, using different nomenclature of KCC loan, sanctioned in the name of one of the borrowers.

Having considered the rival submissions of the parties, it appears that till date charge has not been framed by the learned court below, even the date of which has not yet been fixed, supplying copies to the petitioner. The name of the petitioner is found placed in the FIR with some others. When there has been a deep rooted conspiracy, pratised upon the bank in sanctioning the loan amount with the production of fake right of records, the point now raises by Mr. Ray may be adequately looked into by the learned court below, while making consideration of charge.

The revisional application is this disposed of by directing the petitioner to take recourse to the learned court below, if necessary by filing a petition annexing all the documents that remain enclosed with the instant revisional application, for necessary address by the learned court below, while making consideration of the charge. The prayer for quashing of the proceeding is thus refused. Since the date has not been fixed for consideration of charge, Learned court below is requested to fix a suitable date after supplying copies to the petitioner within one month from the date of communication of this order.

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

The merit thus goes undecided by this Court, and left to be decided by the court below at the stage of making consideration of charge.

(Subhasis Dasgupta, J.)