

30.11.2022

Item No.11
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 7 of 2021
with
CRAN 3 of 2021**

**Kunal Ghosh & Anr.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Milon Mukherjee, Sr. Adv.
Mr. Dattatreya Dutta ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Sanjay Bardhan,
Ms. Manisha Sharma ... For the State.

Mr. Sankar Biswas,
Mr. Swastik Saha ... For the Opposite Party No.2.

The subject-matter of challenge in this revisional application relates to continuance of proceedings relating to Airport Police Station Case No. 31 of 2020 dated 27.02.2020 against the present petitioners who were associated with Punjab National Bank (at the relevant point of time United Bank of India).

It has been submitted by Mr. Mukherjee, learned senior advocate that initially another FIR being Airport Police Station Case No. 123 of 2019 dated 10.08.2019 was registered for investigation. The said investigation was registered pursuant to a complaint lodged by Sangeeta Sharma in respect of default of certain borrowers and with allegations against the present petitioners viz. Kunal Ghosh and Arijit Pramanik. The Airport Police Station Case No. 31 of

2020 dated 27.02.2020 was also at the instance of the same Sangeeta Sharma, the Chief Manager of United Bank of India. The letter of complaint which was treated as an FIR dated 27.02.2020 is concerned, it was pointed out at paragraph 2 of the said letter that at the same police station, five complaints were earlier lodged and thereafter in respect of twelve loan accounts, the communication/complaint is being sent for the purposes of investigation.

Having regard to the nature of the complaint in both the cases, the complaint being same and the period of offence being within a fixed period of time during the tenure of the officials of the bank while discharging their duties and disbursing loans, I am of the opinion that the police authorities prior to registration of the second FIR should have checked regarding the continuity of the allegations in respect of the first FIR which is Airport Police Station Case No. 123 of 2019 dated 10.08.2019. I direct that in such cases where nationalised banks or similar other organisations are involved where a complaint is lodged with the police station immediately on detection of a single offence or a part of the offence and thereafter the authorities continue to search for further offences in their capacity as officers and thereafter on detection, informs it to the police authorities in such type of cases there should be a single FIR with multiple charge-sheets being filed according to the nature of the transactions.

Considering the same, I direct that so far as the Airport Police Station Case No. 123 of 2019 dated 10.08.2019 is

concerned, the police authorities would club the collected materials in Airport Police Station Case No. 123 of 2019 dated 10.08.2019 and file supplementary charge-sheet or further charge-sheet according to the nature of the transactions which satisfies the investigating officer.

So far as number of Airport Police Station Case No. 31 of 2020 dated 27.02.2020 is concerned, there is a formal FIR, the same is quashed. The materials which were collected will be part of Airport Police Station Case No. 123 of 2019 dated 10.08.2019 and the investigation is required to be carried out. It would be in the nature of further investigation under Airport Police Station Case No. 123 of 2019 dated 10.08.2019 and supplementary charge-sheets be filed as and when the investigating authorities come to a conclusion.

It is made clear that the term quashing has been used only restricted to the form of Section 154 of the Code of Criminal Procedure. There is no interference with the merits of the materials so collected in connection with Airport Police Station Case No. 31 of 2020 dated 27.02.2020.

With the aforesaid observations, the revisional application being CRR 7 of 2021 is disposed of.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)