

29.09.2022

Item No.18
Ct.No.34
dc.

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

C.R.R. 83 of 2021

**Kakali Saha & Ors.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing of proceedings of DR No. 2039 of 2020 corresponding to Bantra Police Station Case No. 146 of 2020 dated 14.08.2020 under Sections 506/420/406 of the Indian Penal Code pending before learned Chief Judicial Magistrate, Howrah.

Mr. Ayan Bhattacharjee,
Mr. S. K. Poddar ... For the Petitioners.

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

Mr. Abhijit Kumar Adhya ... For the Opposite Party No.2.

The present revisional application has been preferred challenging the proceedings relating to Bantra Police Station Case No. 146 of 2020 dated 14.08.2020 under Sections 506/420/406 of the Indian Penal Code.

Records reflect that on conclusion of investigation, charge-sheet was submitted before the jurisdictional court.

Mr. Bhattacharjee, learned advocate appearing for the petitioners submits that as doors of the civil court were closed, the complainant took recourse to the present criminal proceedings.

Mr. Ghosh, learned advocate appearing for the State produces the case diary and refers to the different documents which have been collected by the investigating agency in course of investigation.

Mr. Adhya, learned advocate appearing for the complainant/opposite party no.2 submits that the complainant was allured to part with the money and was not refunded a single farthing.

I have perused the case diary and I find that statement of the witnesses has been recorded definitely, but the foundation of the case regarding transmission of the money by way of cheque and the documents related thereto were not collected from the concerned bank, nor the bank statements were collected to substantiate the FIR or the grievance of the complainant. Only a receipt has been seized in this case which refers to a cheque number.

Mr. Bhattacharjee, learned advocate for the petitioners has taken up a contention that the petitioners have refunded the money through banking transaction only.

Be that as it may, I am of the opinion that having regard to the nature of materials collected, the case must be sent for further investigation under Section 173(8) of the Code of Criminal Procedure. The Investigating Officer of the case will obtain statements from the bank regarding the transactions which have taken place and get the same certified by the concerned officer of the bank.

As the process of further investigation would commence, the petitioners would also be at liberty to place the bank statements in respect of the refund as claimed by them before the Investigating Officer which the Investigating Officer will also assess/scrutinise regarding the genuinity and

thereafter, file a report before the jurisdictional court preferably by 31.12.2022.

The jurisdictional court would proceed thereafter in accordance with law.

With the aforesaid observations, the revisional application being CRR 83 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.)