

18-05-2022
Subha
Item no.35
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 777 of 2020

In the matter of : **Dulal Chandra Sardar & Ors.**petitioners.

In Re : An application under Section 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Baidurya Ghosal
Mr. Aattrreyee Dutta
Ms. Avipsa Dutta Roy
.....for the petitioners.

Mr. Jyoti Prakash Chatterjee,
.....for the opposite party no.2.

Mr. Madhusudan Sur, Id APP
Mr. Dipankar Paramanick
...for the State.

The present revisional application was preferred challenging the proceedings being G. R. Case No. 1454 of 2017 under sections 323/341/354/427/506/34 of the Indian Penal Code arising out of Nadanghat P. S. Case No. 311 of 2017 dated 25.11.2017 pending before the learned Additional Chief Judicial Magistrate, Kalna, Purba Burdwan.

The allegations made in the application under Section 156(3) of the Code of Criminal Procedure were to the effect that at about 2.30 p.m. in the afternoon on 19th July, 2017, the accused persons illegally entered the residence of the complainant, namely Ajay Kumar Das.

Such illegal entry of the petitioners who happen to be the Branch Manager of Paschim Banga Gramin Bank, Samudragarh Branch, the Regional Manager of the said Gramin Bank having its office at Chinsurah, Hooghly and the driver of the said vehicle being WB 15C 2374 was resisted by the complainant and family members. As a counter-blast to the same, the accused persons abused the wife and daughter-in-law of the complainant in derogatory language and tried to outrage their modesty. It is also stated that the complainant had taken loan from the bank and could not repay the loan. After hearing hue and cry, the local people as well as the neighbours rushed when the accused persons fled away. The incident was informed to the Nadanghat Police Station and the complainant thereafter prayed for registration of case by way of filing of the application under Section 156(3) of the Code of Criminal Procedure. The Investigating Agency on conclusion of investigation submitted chargesheet against Dulal Chandra Sardar, branch manager, Ananda Mal, the driver and Swapan Kumar Roy, the regional manager of the concerned bank. In the instant case, petitioners admittedly are associated with the bank and the complainant happens to be defaulter. The factum of such default has surfaced in the application under Section 156(3) of the Code of Criminal Procedure itself.

Even if the allegations made in the petition of complaint are considered to be the true that the petitioners had been to the residence and the issue cropped up regarding their entry as to whether they have illegally trespassed into their residence, it would not be out of place to state that the petitioner nos. 1 and 2 being bank

officers were entitled to pursue remedies for recovery the loan. Whether at the time of such recovery of loan they exceeded their authority or not and whether they were acting in discharging of their official function are question of facts which are to be gone into at the stage of trial. The witnesses happen to be the ladies and there are allegations under Section 354 of the Indian Penal Code.

Mr. Chatterjee, learned advocate appears on behalf of the opposite party no.2.

Mr. Sur, learned Additional Public Prosecutor produces the case diary and draws the attention of this court to the statement of the witnesses.

Having regard to the stage at which the petitioners approached this court without the copies of the papers under Section 207 of the Code of Criminal Procedure being supplied, I am of the opinion that the petitioners approached at a premature stage before this court.

Accordingly, no interference is called for at this stage. However, the petitioners would be at liberty to canvass the points agitated in the revisional application at the stage of the consideration of charge before the learned trial court.

With the aforesaid observations, the present revisional application being CRR 777 of 2020 is disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is, hereby vacated.

All concerned parties are to act in terms of a copy of this

order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]