

28.04.2022

Item No.15
Ct.No.34
dc.

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

C.R.R. 425 of 2013

**Kanad Bhattacharya
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 filed in connection with Nabadwip Police Station Case No. 117/2012 dated 10.03.2012 under Sections 406/419/420/468 of the Indian Penal Code.

Mr. Ankit Agarwala,
Mr. Subir Debnath,
Ms. Roma Roy ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Saryati Datta ... For the State.

Mr. Agarwala, learned advocate appearing for the petitioner challenges the order of framing charges against the present petitioner. It is the contention of the learned advocate for the petitioner that the present petitioner happens to be the son of the deceased who was maintaining an account with State Bank of India, Nabadwip Branch. Learned advocate submits that the petitioner, his mother and one brother are survivors and the petitioner was continuously pursuing for claims which were to be disbursed by the State Bank of India, Nabadwip Branch. Learned advocate submits that there were fixed deposit receipts which were not even known to the petitioner and which were lying with the Bank and the same surfaced in course of investigation. Learned advocate further submits that all the amount for which claims were placed before the Bank was withdrawn by way of

using withdrawal slip. According to him, he has been victimised in the circumstances for the purposes of providing an escape route to the bank officials who have surreptitiously acted and has encouraged or has been hand in glove with the accused persons who have withdrawn the amount and have deprived the petitioner and his relation from rightful claim. Additionally, he draws the attention of this Court to the opinion of the handwriting expert and submits that no conclusive opinion could be arrived at by the handwriting expert regarding the signatures.

Mr. Datta, learned advocate appearing for the State produces the case diary. The case diary reflects the statement, seizures which have been effected and comparison of the signature of the present petitioner.

I have perused the materials appearing in the case diary and I find that there are facts which call for the continuation of the trial. At this stage, I am reluctant to express any opinion on the merits of the case. Thus, no case for interference has been made out.

Accordingly, the revisional application being CRR 425 of 2013 is dismissed.

Interim order, if any, is hereby vacated.

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

The learned trial court is directed to fix at least one day in a month so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

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.)