

**CRR 889 of 2015**

**Tapan Kanti Kar  
versus  
State of West Bengal**

Mr. Gautam Banerjee

....for the State

None appears on behalf of the petitioner.

The present revisional application has been filed by the petitioner under Section 482 read with Section 401 of the Code of Criminal Procedure praying for quashing of the proceeding being Special Trial Case No. 10 of 2014 pending before the learned Additional Sessions Judge, Contai, Purba Medinipur arising in connection with Egra Police Station Case No. 121 of 2011 dated 19.07.2011 under Sections 409/120B of the Indian Penal Code.

The brief fact of the case is that one Madhab Chandra Ghosh lodged written complaint at Egra Police Station with the allegation that the petitioner being the Ex. Secretary of Egra CACS Ltd., who was in the post of the Secretary from 1986 to 17.07.2007 in connivance with Shri Dilip Kr. Sahoo posted as Manager since 22.06.1977 till date, sanctioned loans without prior approval of the Board of Directors of the society which is mandatory as per provisions of West Bengal Co-operative Societies Act. In relation to aforesaid sanctioned loans several irregularities occurred to the tune of Rs. 4 crores. The petitioner and one other misused public money thereby committed breach of contract and trust with the depositors.

The petitioner being the Secretary of the Society is a public servant as per section 4(47) and 10 of WBCS Act, 2006. On such basis Egra Police Station Case No. 121 of 2011 dated 19.07.2011 under Section 409/120B of the Indian Penal Code came to be registered against the petitioner and one other. Upon completion of investigation charge-sheet was submitted against the petitioners and one other.

Being aggrieved by and dissatisfied with the aforesaid proceedings the petitioner has preferred the present revisional application.

Mr. Gautam Banerjee, learned Advocate appears on behalf of the State and files status report. Let it be kept with the record. He submits that on the basis of materials collected during investigation the police filed chargesheet against the petitioner and one other under section 409/120B of the Indian Penal Code and 10.08.2022 has been fixed for hearing before the Trial Court.

It appears that the investigating agency on the basis of *prima-facie* materials collected during the course of investigation submitted charge-sheet against the petitioner and one other under Section 409/120B of the Indian Penal Code. In the aforesaid backdrop, the proceeding before the trial Court does not call for interference.

Accordingly, the present revisional application is dismissed.

It is however made clear that the observation made

hereinabove shall not have bearing on the rights and contentions of the parties before the trial court.

All connected applications also stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

Let a copy of this order be sent to the learned trial court for information.

**(Bivas Pattanayak, J.)**