

CRR 1585 of 2010

In the matter of : Tapan Kumar Chatterjee

Mr. Sanat Kr. Das
Mr. Sujan Chatterjee
Ms. S. Sinha ... for the petitioner

Ms. Faria Hossain
Ms. Baisali Basu
Ms. Mamata Jana ... for the State

Filing this application under Section 482 of Code of Criminal Procedure, the petitioner is seeking order of quashment of proceeding being G.R. Case No. 676 of 2004 arising out of Serampore P.S. Case No. 183 of 2004 dated 19.7.2004 under Sections 420/406/34 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Srerampore at Hooghly.

Briefly stated, one Sikha Dey Biswas informed the Officer-in-Charge of Srerampore P.S. in writing that she joined Home Shopping India, Seoraphuli Unit Bowbazar on 24.04.2003 and was promoted to the post of executive in the month of August, 2003. He was supposed to get a sum of Rs.23,040/- but she was given Rs. 2428/-. Smt. Mousumi Ghosh wife of Sri Animesh Ghosh was in-charge of the said unit. The informant brought thirty more persons who upon payment of Rs.5945/- each obtained membership. The informant further stated that Mousumi Ghosh and her associates dupe them. On the basis of such information

Srerampore P.S. Case No. 183 of 2004 dated 19.7.2004 was registered.

Mr. Chatterjee, learned counsel representing the petitioner submits that during investigation the petitioner approached this Hon'ble Court for protection under Section 438 of the Cr.P.C. and while considering his application for anticipatory bail, the Hon'ble Court observed that the then counsel representing the State Ms. Goswami informed the Court under the instruction of the I.O. that the petitioner was not wanted in the case. Subsequently, however, police submitted charge sheet implicating the petitioner as one of the accused persons. Though in the charge sheet, petitioner has been depicted as one of the eleven accused persons and his name is appearing in serial number 8 there is no incriminating material appearing as against the petitioner.

Ms. Basu, learned counsel representing the State submits the status report which indicates that the accused person surrendered to the jurisdiction of the learned Additional Chief Judicial Magistrate, Srerampore and some of the accused persons are still at large. The matter was fixed for execution report of warrant of arrest on 06.12.2022. This report is of no help in deciding the application. When the charge sheet is stunningly silent against the petitioner, I do not find any reason in absence of any incriminating material what prompted the Investigating Officer to send up the petitioner for trial.

In my view this is a fit case to invoke the provision under Section 482 of the Cr.P.C. and to quash the proceeding qua the petitioner which I accordingly do.

The criminal revision is thus disposed of.

The copy of the order be sent down to the learned Trial Court for information and necessary action.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)