

23.12.2022
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SB
Ct. No.236

CRR 2351 of 2010
CRAN 2 of 2022 (not in file)

In the matter of : Swarup Manna

Mr. Himanshu De, Sr. Adv. ... for the petitioner
Mr. Navanil De
Ms. Subhasree Patel
Mr. Subhrajit Dey

Mr. N. P. Agarwala
Mr. Pratick Bose ... for the O.P. No. 1

CRAN 2 of 2022

Explanation given by the petitioner for his inaction on several dates including the 07.7.2022 though found to be feeble yet is accepted as sufficient.

The C.R.R. 2351 of 2010 is restored to its original file and number. The order dated 07.7.2022 is recalled.

The application being CRAN 2 of 2022 is disposed of.

Mr. De, learned senior counsel representing the petitioner and Mr. Agarwala, learned counsel representing the State are present and with the consent of the parties, C.R.R. 2351 of 2010 is taken up for hearing.

The petitioner being a job assistant of Rashpur Gram Panchayet was not eligible to take loan however by misusing his office he took D.R.D.A. loan amounting to Rs.12,000/- vide loan account no. 14/141 and thus exposed himself to the penal offences. Accordingly, police registered a case against the petitioner Mr. Swarup Manna being Special Case No. 10 of 2007 corresponding to G.R. Case No. 63 of 2001 pending before the

learned 1st Special Judge, Howrah. Amta P.S. Case No. 86 of 2000 dated 13.12.2000 was the source of the aforesaid case pending before the learned Special Judge, 1st Court, Howrah.

Mr. De, candidly submits that before F.I.R. was registered against him the petitioner repaid the loan amount together with interest. From the inquiry report, I find that the petitioner admittedly paid the amount when the report was filed by Sri Joydev Roy on 21.9.1999 while Amta P.S. Case No. 86 was registered on 13.12.2000. It goes without saying that mere repayment of loan does not erase the offence that might have been committed by the petitioner however, he has been suffering the agony and anxiety since 2000 for last twenty two years.

Considering as such when I find that there is no ingredient of offence within the meaning of Sections 467/468/471/420/120B of the Indian Penal Code against the petitioner, I do want to keep the proceeding pending before the learned Trial Court as it will be a futile exercise particularly when the entire money has been repaid by the petitioner with interest and exchequer of the State thereby has been taken care of.

Thus the criminal revision stands quashed qua the petition.

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

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

(Siddhartha Roy Chowdhury, J.)