

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 3381 of 2022

**Pankaj Kumar Das
Vs.
The State of West Bengal and Anr.**

Mr. Satadru Lahiri
Mr. Safdar Azam
Mr. Syed Wasim Farkque
Mr. Shirsha Dasgupta
...for the petitioner

Item No.16

Heard & Judgment on: 21.09.2022

Bibek Chaudhuri, J.

The petitioner being an accused in a case under Sections 408/420 of the Indian Penal Code has approached this Court praying for invocation of the Court's power under Section 482 of the Code of Criminal Procedure and quash further proceedings in connection with

G.R. Case No.1222 of 2021 pending before the learned Metropolitan Magistrate, 6th Court at Calcutta.

It is submitted on behalf of the petitioner that the Investigating Officer submitted charge sheet against him, on the basis of an extra judicial confession which the petitioner denied to make. It is submitted by the learned advocate for the petitioner that the Investigating Officer failed to collect any offence, corroborating in nature to prove such extra judicial confession allegedly made by the petitioner. There is no documentation as to the admission of criminal misappropriation of money amounting to Rs. 13 lakhs.

I have heard the learned advocate for the petitioner. I have also perused the materials and annexures filed with the instant revision. It is needless to say that the Investigating Authority has filed charge sheet against the petitioners on conclusion of evidence under Sections 408/420 of the Indian Penal Code. The learned Magistrate took cognizance of the offence on the basis of the charge sheet whether extra judicial confession can be a basis of the establishment of charge against the petitioner; whether corroboration is necessary to prove alleged extra judicial confession or whether there was any documentation in respect of criminal misappropriation of fund, all such questions can be agitated at the time of either consideration of

charge by filing an application under Section 239 of the Code of Criminal Procedure or at the time of trial.

At this stage, I do not find any merit in the instant revision and accordingly, the revisional application is summarily dismissed.

(Bibek Chaudhuri, J.)