03.04.2023
Jaydev

CRR 726 of 2023

Prajna Paromita Maitra
Vs.
State of West Bengal & Anr.

For the Petitioner:-

Mr. Sekhar Kr. Basu, Sr. Adv.,
Mr. Diptangshu Basu, Adv.,
Ms. Suchismita Dutta, Adv.

The accused of Balurghat Police Station Case No.859 of 2022 dated 12th December, 2022 under Sections 406/409/467/468 of the Indian Penal Code corresponding to G.R Case No.2381 of 2022, presently pending before the learned Sessions Judge Dakshin Dinajpur, Balurghat has filed the instant revision invoking inherent jurisdiction of this Court under Section 482 of the Cr.P.C praying for quashing of the above mentioned proceeding.

Indisputably, the petitioner is an employee of the Department of Posts. She was posted as Sub Post-Master District School Board SO (Sub-Office) with effect from 13th April, 2019 to 2nd March, 2020 and Patiram SO (Sub-Office) with effect from 16th April, 2020 to 11th November, 2022.

The opposite party No.2 in his capacity as Assistant Superintendent of Post Offices (HQ) lodged a written complaint with the Officer-in-Charge, Balurghat Police Station on 12th December, 2022 alleging, inter alia, that the petitioner had misappropriated huge sum of Government money fraudulently in her official capacity as a Sub Post-Master. Such misappropriation was committed by practicing fraud by closing fake accounts of monthly income scheme and recurring deposits accounts manually and depositing the matured amount to the savings accounts of some account holders and subsequently withdrawing the same from those saving accounts on various dates.

It is stated in the written complaint that total misappropriated amount was Rs.65,92,219/-. A Departmental enquiry was started against the petitioner and during the pendency of the said departmental enquiry, petitioner has deposited substantial amount of money into the Government account amounting to Rs.47,60,060/-.

The investigation of the above mentioned case is now in progress.

It is the case of the petitioner that non-migrated MIS accounts were found correct and the amount had been originally deposited. MIS No.88639 was not closed twice. MIS Account No.89439 was originally closed manually. The petitioner was not aware of the order that in order to close the non-migrated accounts prior permission of the Superintendent of the Post Offices is required. Therefore, before closing non-migrated MIS accounts, out of bona fide mistake she did not take prior permission of the Superintendent of the Post Offices. The amounts withdrawn from MIS accounts have already been credited to the Government Account by the petitioner on 12th January, 2022 and 14th January, 2022.

It is submitted by Mr. Basu, learned Senior Counsel on behalf of the petitioner that at this stage he prays on behalf of the petitioner that no coercive action may be taken against her during the pendency of the case.

I have carefully gone through the entire materials on record. Admittedly, the petitioner herself deposited more than Rs.47 lakhs to the Government Account from her personal account. The said huge amount of money is part of the defalcated sum. If a person is found involved in criminal misappropriation, subsequent payment of misappropriated money does not absolve her of the charge. On due consideration of the submission made by the learned Senior Counsels for the petitioner, I do not find any reasonable ground to admit the instant revision.

Accordingly the revision is dismissed summarily.

(Bibek Chaudhuri, J.)