

07.08.2023

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CRR 2719 of 2011
With
CRAN 1/2011 (Old No. CRAN 2537/2011)

In the matter of : Samar Ghosh.

.... for the petitioner.

Mr. Soumya Banerjee
Ms. Sucheta Banerjee

.... for the petitioner.

Mr. Narayan Prasad Agarwala
Mr. Pratick Bose

... for the State

The instant revisional application has been filed for quashing of the proceeding being G.R. No. 105 of 2005 arising out of Basirhat Police Station Case No. 28 of 2005 dated 19.01.2005 under Section 406 of the Indian Penal Code pending before the learned Additional Judicial Magistrate, 2nd Court, Basirhat and also the order dated 20.06.2011.

A complaint dated 27.09.2004 was filed by the then Branch Manger, Punjab National Bank, Dandirhatkhola Brach, alleging that a cash credit loan amounting Rs. 4 lakhs was sanctioned in favour of the petitioner for conducting his business of operating medicine shop. The petitioner thereafter defaulted in payment of the bank loan. The bank authority sent several notices as reminder to reimburse the loan to the same. However, that was not heeded to and accordingly, the complaint was filed. Investigation pursued which ended in the submission of charge-sheet. During the course of hearing of the instant revisional application a report was submitted by the Basirhat Police District dated 02.07.2023 through the learned

Public Prosecutor, High Court at Calcutta stating that the petitioner company namely M/s. Samar Enterprises was sanctioned a sum of Rs. 4 lakhs as a loan and the account was transferred from their branch to Circlr Sastra Centre, Kolkata on 10.03.2023 and in accordance to the statement of the Punjab National Bank, the account was closed by the borrower by means of one time settlement and the same was closed on 03.04.2019. A copy of the settlement was issued by the Punjab National Bank dated 30.06.2023 to the Officer-in-Charge of the Basirhat Police District.

Based on such report filed by the State acknowledging one time settlement on the part of the petitioner, it appears that the disputes between the parties have been civil in nature and the said disputes have been amicably settled.

Accordingly, the proceedings G.R. No. 105 of 2005 arising out of Basirhat Police Station Case No. 28 of 2005 dated 19.01.2005 under Section 406 of the Indian Penal Code pending before the learned Additional Judicial Magistrate, 2nd Court, Basirhat be quashed.

Under the facts and circumstances, the instant criminal revisional application is allowed.

Connected application is also disposed of.

Case diary be returned to the learned advocate for the State.

Copy of the order be sent to the trial court for information.

(Ananya Bandyopadhyay, J.)