

IN THE HIGH COURT AT CALCUTTA
(Criminal Revisional Jurisdiction)
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 240 of 2022

Mitali Nandi @ Mitali Nandy

Vs

The State of West Bengal & Anr.

For the Petitioner : Mr. Nripen Das,
Mr. Debanjan Das.

For the State : Mr. Aditi Sankar Chakraborty,
Mr. Nilay Chakraborty.

For the Opposite Party No. 2 : Mr. Kumar Shantanu.

Heard on : 10.04.2023

Judgment on : 12.04.2023

Shampa Dutt (Paul), J.:

1. The present revision has been preferred praying for quashing of the charge sheet being no.33 of 2021 dated 08.10.2021 in connection with Jalpaiguri Cyber P.S Case No.4 of 2021 dated 11.01.2021 under Sections 419/420 of the Indian Penal Code corresponding the G.R No.150 of 2021 now pending in the Court of the learned Chief Judicial Magistrate, Jalpaiguri.
2. The petitioner's case is that the petitioner has been charge sheeted under Sections 419/420 of the Indian Penal Code against the complaint lodged by the opposite party no.2 herein. The complainant herein in order to sell his ancestral property at Subhas Gram, District South 24-Parganas advertised in 'magic bricks.com'. In response to the said advertisement one Rajish Dew Mandal and Soumitra Chatterjee contacted with the complainant and introduced themselves as NRIs. The complainant had to pay an amount of Rs.2,65,000/- at different intervals as processing fees for the purpose of selling of the property through Magic bricks.com. The letter of complaint dated 11.01.2021 and the FIR no.4 of 2021 under Sections 419/420 of the Indian Penal Code admittedly did not contain the name of the present petitioner that during investigation the investigating officer came to know of one Sri Pritam Mandal who in turn revealed the name of a person Sri Sudipta Chatterjee, son of Ram Chandra Chatterjee. The

said Pritam Mandal has been working under Sudipta Chatterjee and is also a charge sheeted accused, has been running the fraudulent business of taking money from different individual. **The said Sudipta Chatterjee after being arrested, on being interrogated revealed the name of four persons out of which one person is the present petitioner herein.** It is the case of the prosecution that the present petitioner is also engaged in fraudulent activities and has been apart of the fraud committed by the F.I.R. named accused herein.

3. **Mr. Nripen Das, learned counsel for the petitioner** has submitted that from the bare reading of the charge sheet it would be clear that the name of the petitioner only transpired from the statement of the co-accused, the charge sheet does not reveal any such conclusive evidence from which it would be clear that the petitioner herein has been a part of the alleged fraud being committed upon the opposite party no.2. The allegation which has been leveled against petitioner are in order to malign the petitioner and force the petitioner to undergo a trial for an offence, which the petitioner was neither a part of nor has any connection. The petitioner states that the basic ingredients of Sections 419 and 420 of the Indian Penal Code is cheating and dishonesty. In the instant case from no corner of the said petition of complaint as well as the charge sheet it would be evident that the petitioner has committed the offences of cheating and dishonesty over the complainant at any point of time. That Sri

- Subrata Nandy, whose name was also taken, is the husband of the petitioner and died in the year of April, 2021. The Charge Sheet does not reveal any fact as to any amount of money of the complainant has been seized from the custody of the present petitioner or the present petitioner has in any way benefited out of the same. The instant case as has been made out is devoid of any basic ground and the investigating agency also submitted the charge without causing any proper investigation. That in view of the lacunas and discrepancies in the charge sheet, which is completely based on false and fabricated story as it appears on the face of it, the present proceeding against the petitioner should not be allowed to continue.
4. **Mr. Das** further submits that the impugned proceeding is bad in law and as such continuation of the same is not warranted and liable to be quashed. The charge sheet suffers from lacuna and discrepancies and accordingly the same is required to be set aside and/or quashed. The investigating agency has filed the charge sheet without causing any proper enquiry thereto.
 5. **Mr. Kumar Shantanu, learned counsel for the opposite party no.2 has categorically submitted that the complainant/opposite party no.2 has no grievance against the petitioner, whom he has not even named in the written complaint.**
 6. **Mr. Aditi Sankar Chakraborty, learned public prosecutor** has placed the case diary.

7. The present case has been registered for offence under Section 419/420 IPC. The written complaint is to the effect that **Rs. 2,65,000/- was paid in the Bank account of Pritam Mondal.**
8. The petitioner was implicated on the basis of a statement given by accused Sudipta Chatterjee and was arrested. Charge sheet has been submitted against the petitioner and other accused persons on the findings that the petitioner along with other co-accuseds used to cheat people. The investigating officer also stated that the character of Rajnish Dev Barman and Soumitra Chatterjee are characters created by the accused persons.
9. In ***Kalyan Chandra Sarkar vs Rajesh Ranjan @ Pappu Yadav & Anr., Appeal (crl.) 1129 of 2004, on 18 January, 2005***, the Supreme Court held:-

“25. In the order of the High Court dated 5th November, 2001 in Crl. Misc. No. 22243 of 2001, it is seen that an argument was addressed on behalf of the respondent that except the statement of Rajan Tiwari, a co-accused, there is no other material against him and since the confession of co-accused cannot be used as substantive evidence and there being no other material on record there is no possibility of his conviction in the case. Therefore, he should be enlarged on bail. It was also argued by the counsel for the respondent that confessional statement made before the Metropolitan Magistrate, Delhi was later retracted and while recording the confessional statement the concerned Magistrate did not observe the required formalities envisaged in Section 164 of the Criminal Procedure Code. It was also argued that the maker of the confession Rajan Tiwari was brought from custody, hence the Magistrate erred in recording the confessional

statement without observing the necessary formalities. Therefore, the so called confessional statement must be ignored for the purpose of finding out the existence of a prima facie case. The said learned counsel also argued that, at any rate, confession of co-accused not being a substantive piece of evidence, it can only be used in aid of other evidence and there being no such other evidence the confessional statement by itself cannot lead to conviction. The learned counsel for the respondent-accused in that proceedings had relied upon on number of judgments of this Court in support of his contention as could be seen from the said order of the High Court. Having noticed the said argument, the High Court recorded its findings as follows :-

"None of the abovesaid decisions, in my opinion, is of any help to the petitioner for the simple reason that all of them were rendered after trial. In the instant case the evidence is yet to see the light of the day. While the principles laid down in those cases about the nature of the confessional statement and the safeguards contained in section 164 Cr.P.C. are unexceptionable, for the purpose of **Section 437 (1)(i) of the Code** what the court has to see is whether there are reasonable grounds to believe that the accused has been guilty of an offence punishable with death and imprisonment for life. Where circumstances exist which provide grounds to believe the guilt of the person the Court is not required to speculate as to quantum and nature of the evidence which would be led by the prosecution at the stage of trial".

10. In **Raja @ Ayyappan vs State of Tamil Nadu, Criminal Appeal No.**

1120 of 2010, April 1, 2020, the Supreme Court held:-

15. The law of confession is embodied in Sections 24 to 30 of the Indian Evidence Act, 1872. The

confession is a form of admission consisting of direct acknowledgment of guilt in a criminal charge. In this connection, it is relevant to notice the observations of Privy Council in **Pakala Narayana Swami v. Emperor** which is as under:

“.....a confession must either admit in terms of an offence, or at any rate substantially all the fact which constitute the offence. An admission of a gravely incriminating fact, even a conclusively incriminating fact is not by itself a confession....”

16. It is wellsettled that a confession which is not free from doubt about its voluntariness, is not admissible in evidence. A confession caused by inducement, threat or promise cannot be termed as voluntary confession. Whether a confession is voluntary or not is essentially a question of fact. **In State (NCT of Delhi) v. Navjot Sandhu** this Court has elaborately considered this aspect as under:

“29. Confessions are considered highly reliable because no rational person would make admission against his interest unless prompted by his conscience to tell the truth. “Deliberate and voluntary confessions of guilt, if clearly proved are among the most effectual proofs in law.” (Vide Taylor’s Treatise on the Law of Evidence, Vol. I.) However, before acting upon a confession the court must be satisfied that it was freely and voluntarily made. A confession by hope or promise of advantage, reward or immunity or by force or by fear induced by violence or threats of violence cannot constitute evidence against the maker of the confession. The confession should have been made with full knowledge of the nature and consequences of the confession. If any reasonable doubt is entertained by the court that these ingredients are not satisfied, the court should eschew the confession from consideration. So also the

authority recording the confession, be it a Magistrate or some other statutory functionary at the pretrial stage, must address himself to the issue whether the accused has come forward to make the confession in an atmosphere free from fear, duress or hope of some advantage or reward induced by the persons in authority. Recognising the stark reality of the accused being enveloped in a state of fear and panic, anxiety and despair while in police custody, the Evidence Act has excluded the admissibility of a confession made to the police officer.”

17. Section 15(1) of the TADA Act is a self-contained scheme for recording the confession of an accused charged with an offence under the said Act. This provision of law is a departure from the provisions of Sections 25 to 30 of the Evidence Act. Section 15 of the TADA Act operates independently of the Evidence Act and the Criminal Procedure Code. In **Kartar Singh** (supra) a Constitution Bench of this Court while upholding the validity of the said provision has issued certain guidelines to be followed while recording confession. These guidelines have been issued to ensure that the confession obtained in the preindictment interrogation by a police officer not lower in rank than a Superintendent of Police is not tainted with any vice but is in strict conformity with the well recognised and accepted aesthetic principles and fundamental fairness. These guidelines are:

“(1) The confession should be recorded in a free atmosphere in the same language in which the person is examined and as narrated by him;

(2) The person from whom a confession has been recorded under Section 15(1) of the Act, should be produced before the Chief Metropolitan Magistrate or the Chief Judicial Magistrate to whom the confession is required to be sent under Rule 15(5) along

with the original statement of confession, written or recorded on mechanical device without unreasonable delay;

(3) The Chief Metropolitan Magistrate or the Chief Judicial Magistrate should scrupulously record the statement, if any, made by the accused so produced and get his signature and in case of any complaint of torture, the person should be directed to be produced for medical examination before a Medical Officer not lower in rank than of an Assistant Civil Surgeon;

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no police officer below the rank of an Assistant Commissioner of Police in the Metropolitan cities and elsewhere of a Deputy Superintendent of Police or a police officer of equivalent rank, should investigate any offence punishable under this Act of 1987.

This is necessary in view of the drastic provisions of this Act. More so when the Prevention of Corruption Act, 1988 under Section 17 and the Immoral Traffic Prevention Act, 1956 under Section 13, authorise only a police officer of a specified rank to investigate the offences under those specified Acts.

(5) The police officer if he is seeking the custody of any person for preindictment or pretrial interrogation from the judicial custody, must file an affidavit sworn by him explaining the reason not only for such custody but also for the delay, if any, in seeking the police custody;

(6) In case, the person, taken for interrogation, on receipt of the statutory warning that he is not bound to make a confession and that if he does so, the said statement may be used against him as evidence, asserts his right to silence, the police officer must respect his right of

assertion without making any compulsion to give a statement of disclosure.”

18. In *Jameel Ahmad v. State of Rajasthan* this Court has held that when an accused charged with an offence under the provisions of the TADA Act, is voluntarily willing to make a confessional statement and if such statement is made and recorded by an officer not below the rank of Superintendent of Police in a manner provided in that section, is admissible in evidence. The findings recorded in this case are as under:

“35. To sum up our findings in regard to the legal arguments addressed in these appeals, we find:

(i) If the confessional statement is properly recorded, satisfying the mandatory provision of Section 15 of the TADA Act and the Rules made thereunder, and if the same is found by the court as having been made voluntarily and truthfully then the said confession is sufficient to base a conviction on the maker of the confession.

(ii) Whether such confession requires corroboration or not, is a matter for the court considering such confession on facts of each case.

(iii) In regard to the use of such confession as against a co-accused, it has to be held that as a matter of caution, a general corroboration should be sought for but in cases where the court is satisfied that the probative value of such confession is such that it does not require corroboration then it may base a conviction on the basis of such confession of the co accused without corroboration. But this is an exception to the general rule of requiring corroboration when such confession is to be used against a co-accused.

(iv) The nature of corroboration required both in regard to the use of confession against the maker as also in regard to the use of the same against a co accused is of a general nature, unless the court comes to the conclusion that such corroboration should be on material facts also because of the facts of a particular case. The degree of corroboration so required is that which is necessary for a prudent man to believe in the existence of facts mentioned in the confessional statement.

(v) The requirement of sub-rule (5) of Rule 15 of the TADA Rules which contemplates a confessional statement being sent to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate who, in turn, will have to send the same to the Designated Court is not mandatory and is only directory. However, the court considering the case of direct transmission of the confessional statement to the Designated Court should satisfy itself on facts of each case whether such direct transmission of the confessional statement in the facts of the case creates any doubt as to the genuineness of the said confessional statement.”

28. Section 30 of the Indian Evidence Act mandates that to make the confession of a co-accused admissible in evidence, there has to be a joint trial. If there is no joint trial, the confession of a co accused is not at all admissible in evidence and, therefore, the same cannot be taken as evidence against the other coaccused. The Constitution Bench of this Court in **Kartar Singh** (supra), while considering the interplay between Section 30 of the Indian Evidence Act and Section 15 of the TADA Act held that as per Section 15 of the TADA Act, after the amendment of the year 1993, the confession of the coaccused, is also a substantive piece of evidence provided that there is a joint trial.

29. In *State v. Nalini and others* Justice Quadri has held that a confession of an accused made under Section 15 of the TADA Act is admissible against all those tried jointly with him. It has been held thus:

“688. Having excluded the application of Sections 24 to 30 of the Evidence Act to a confession recorded under Section 15(1) of the TADA Act, a selfcontained scheme is incorporated therein for recording the confession of an accused and its admissibility in his trial with coaccused, abettor or conspirator for offences under the TADA Act or the Rules made thereunder or any other offence under any other law which can jointly be tried with the offence with which he is charged at the same trial. There is thus no room to import the requirements of Section 30 of the Evidence Act in Section 15 of the TADA Act.

689. Under Section 15(1) of the TADA Act the position, in my view, is much stronger, for it says,

“a confession made by a person before a police officer not lower in rank than a Superintendent of Police and recorded by such police officer either in writing or on any mechanical device like cassettes, tapes or soundtracks from out of which sounds or images can be reproduced, shall be admissible in the trial of such person or co accused, abettor or conspirator for an offence under this Act or Rules made thereunder, provided that coaccused, abettor or conspirator is charged and tried in the same case together with the accused.”

On the language of subsection (1) of Section 15, a confession of an accused is made admissible evidence as against all those

tried jointly with him, so it is implicit that the same can be considered against all those tried together. In this view of the matter also, Section 30 of the Evidence Act need not be invoked for consideration of confession of an accused against a co-accused, abettor or conspirator charged and tried in the same case along with the accused.”

30. In **Jameel Ahmad** (supra), this Court has reiterated the above position as under:

“30.....Therefore we notice that the accepted principle in law is that a confessional statement of an accused recorded under Section 15 of the TADA Act is a substantive piece of evidence even against his co accused provided the accused concerned are tried together.”

31. In the instant case, no doubt, the appellant was absconding. That is why, joint trial of the appellant with the other two accused persons could not be held. As noticed above, Section 15 of the TADA Act specifically provides that the confession recorded shall be admissible in trial of a coaccused for offence committed and tried in the same case together with the accused who makes the confession. We are of the view, that if for any reason, a joint trial is not held, the confession of a coaccused cannot be held to be admissible in evidence against another accused who would face trial at a later point of time in the same case. We are of the further opinion that if we are to accept the argument of the learned counsel for the respondentState, it is as good as rewriting the scope of Section 15 of the TADA Act as amended in the year 1993.

32. In **Ananta Dixit v. The State** the Orissa High Court was considering a similar case under Section 30 of the Evidence Act. The appellant, in this case, was absconding. The question for consideration was whether a confession of one of the accused persons who was

tried earlier, is admissible in evidence against the appellant. The Court held that the confession of the coaccused was not admissible in evidence against the present appellant. The Court held:

“7. As recorded by the learned trial Judge, the accused Narendra Bahera, whose confessional statement had been relied upon, had been tried earlier and not jointly with the appellant and the co accused person Baina Das. A confession of the accused may be admissible and used not only against him but also against a co-accused person tried jointly with him for the same offence. Section 30 applies to a case in which the confession is made by accused tried at the same time with the accused person against whom the confession is used. The confession of an accused tried previously would be rendered inadmissible. Therefore, apart from the evidentiary value of the confession of a coaccused person, the confession of Narendra Behera was not to be admitted under Section 30 of the Evidence Act against the present appellant and the coaccused Baina Das.”

We are in complete agreement with the view of the High Court.

33. *We are of the view that since the trial of the other two accused persons was separate, their confession statements (Ex.P26 and P27) are not admissible in evidence and the same cannot be taken as evidence against the appellant.”*

11. The only materials on record against the petitioner is the statement of co-accused Subrata Chatterjee, who made the statement on being arrested and there is no other materials on record against the petitioner. There is absolutely no other material/evidence on record to

prima facie make out a case of the offences alleged against the petitioner.

12. **The offences under Section 419/420 IPC are compoundable offences and it is also the complaint/opposite party no.2's case that he has no grievance against the petitioner.**

13. In ***Ramesh Chandra Gupta vs. State of Uttar Pradesh and Ors., 2022 LiveLaw (SC) 993, Criminal Appeal No(s). 2060 of 2022 (Arising out of SLP (Crl.) No(s). 39 of 2022)***, the Supreme Court held:-

*“15. This Court has an occasion to consider the ambit and scope of the power of the High Court under Section 482 CrPC for quashing of criminal proceedings in **Vineet Kumar and Others vs. State of Uttar Pradesh and Another, (2017) 13 SCC 369** decided on 31st March, 2017. It may be useful to refer to paras 22, 23 and 41 of the above judgment where the following was stated:*

“22. Before we enter into the facts of the present case it is necessary to consider the ambit and scope of jurisdiction under Section 482 CrPC vested in the High Court. Section 482 CrPC saves the inherent power of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any court or otherwise to secure the ends of justice.

*23. This Court time and again has examined the scope of jurisdiction of the High Court under Section 482 CrPC and laid down several principles which govern the exercise of jurisdiction of the High Court under Section 482 CrPC. A three-Judge Bench of this Court in *State of Karnataka v. L. Muniswamy* (1977) 2 SCC 699 held that the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would*

be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. In para 7 of the judgment, the following has been stated :

‘7. ... In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice. The ends of justice are higher than the ends of mere law though justice has got to be administered according to laws made by the legislature. The compelling necessity for making these observations is that without a proper realisation of the object and purpose of the provision which seeks to save the inherent powers of the High Court to do justice, between the State and its subjects, it would be impossible to appreciate the width and contours of that salient jurisdiction.’

*41. Inherent power given to the High Court under Section 482 CrPC is with the purpose and object of advancement of justice. In case solemn process of Court is sought to be abused by a person with some oblique motive, the Court has to thwart the attempt at the very threshold. The Court cannot permit a prosecution to go on if the case falls in one of the categories as illustratively enumerated by this Court in *State of Haryana v. Bhajan Lal* 1992 Supp (1) SCC 335. Judicial process is a solemn proceeding which cannot be allowed to be converted into an instrument of operation or harassment. When there are materials to*

indicate that a criminal proceeding is manifestly attended with mala fides and proceeding is maliciously instituted with an ulterior motive, the High Court will not hesitate in exercise of its jurisdiction under Section 482 CrPC to quash the proceeding under Category 7 as enumerated in *State of Haryana v. Bhajan Lal* 1992 Supp (1) SCC 335 which is to the following effect :

‘102. (7) Where a criminal proceeding is manifestly attended with mala fides and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.’

Above Category 7 is clearly attracted in the facts of the present case. Although, the High Court has noted the judgment of *State of Haryana v. Bhajan Lal* 1992 Supp (1) SCC 335 but did not advert to the relevant facts of the present case, materials on which final report was submitted by the IO. We, thus, are fully satisfied that the present is a fit case where the High Court ought to have exercised its jurisdiction under Section 482 CrPC and quashed the criminal proceedings.”

16. The exposition of law on the subject relating to the exercise of the extra-ordinary power under Article 226 of the Constitution or the inherent power under Section 482 CrPC are well settled and to the possible extent, this Court has defined sufficiently channelized guidelines, to give an exhaustive list of myriad kinds of cases wherein such power should be exercised. This Court has held in para 102 in ***State of Haryana and Others v. Bhajan Lal and Others*, 1992 Supp. (1) 335** as under :

“**102.** In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of

illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the

concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

17. *The principles culled out by this Court have consistently been followed in the recent judgment of this Court in **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra and Others, 2021 SCC Online SC 315.**”*

14. **CRR 240 of 2022 is allowed.**
15. Thus in view of the observation of the Supreme Court in **Kalyan Chandra Sarkar vs Rajesh Ranjan @ Pappu Yadav & Anr. (Supra)** and **Raja @ Ayyappan vs State of Tamil Nadu (Supra)** and the material on record as already discussed, the proceeding being Jalpaiguri Cyber P.S. Case No.4 of 2021 dated 11.01.2021 under Sections 419/420 of the Indian Penal Code corresponding to G.R No.150 of 2021 and charge sheet no. 33 of 2021 now pending in the Court of the learned Chief Judicial Magistrate, Jalpaiguri is hereby quashed.
16. There will be no order as to costs.
17. All connected Application stand disposed of.
18. Interim order if any stands vacated.
19. Copy of this judgment be sent to the learned Trial Court forthwith for necessary compliance.

20. Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)