

CRR 378 of 2024

Pradip Kumar Saha & Anr.

Vs.

The State of West Bengal & Anr.

For the Petitioners : Ms. Rajnandini Das,
Mr. Suvam Sinha.

For the State : Ms. Puspita Saha.

1. The present revisional application has been preferred praying for quashing of the proceeding in connection with Bidhan Nagar North P.S. Case No. 73 of 2021 dated 28.05.2021 under Sections 341/509/506 of the Indian Penal Code, corresponding to G.R. Case No. 454 of 2021, pending before the learned Additional Chief Judicial Magistrate, Bidhan Nagar, North 24 Parganas.
2. The petitioners' case is that on 28.05.2021, the opposite party no. 2 (being the Branch Head Manager of Punjab National Bank, Salt Lake Sector-1 Branch) lodged a complaint with the Officer-in-Charge of Bidhan Nagar Police Station alleging therein inter alia that:-

The petitioner no. 1 along with another person visited the Punjab National Bank, Salt Lake Sector-1 Branch, in the morning on 28.05.2021 to transfer funds by Real Time Gross Settlement (RTGS) System from the account of Cygnus Co-operative Housing Society Limited, having its registered office at BC-44/6, Sector-1, Salt Lake, Kolkata-700064, the account of which is maintained with South Sinthee Branch of

Punjab National Bank. As per the bank's guidelines, the branch is permitted to carry out intersol transfer upto Rs.1,00,000/- in case of savings account bearing No. 1575000101064338. The customer had requested to transfer Rs.2,12,000/-, which was way beyond the permissible intersol limit displayed in Salt Lake Sector-1 Branch of Punjab National Bank. This was communicated to the customer by the hall in-charge Ms. Tanima Kala. Thereafter, the customer demanded the same in writing, which was also provided to him. On receiving the written reply, the petitioner No. 1 and his companion started shouting at and abusing all the staff members present in the hall, including the hall in-charge Ms. Tanima Kala. The accused persons started recording video footages inside the branch, which was strictly prohibited. They threw documents, hurled invectives at female staff members and hall in-charge Tanima Kala. After creating the ruckus, they left the branch after an hour and threatened that they would make the staff members of the branch pay for denying the service they had sought.

3. The petitioners state that on the basis of the aforesaid complaint, Bidhan Nagar North Police Station Case No. 73/2021 dated 28.05.2021 was registered under Sections 341/509/506 of the Indian Penal Code, 1860 against the petitioner no. 1 and one unknown person.
4. The petitioners state that upon completion of investigation of the instant case, the investigating agency submitted charge-sheet, being Charge Sheet No. 133/2021 dated 31.07.2021 under Sections 341/509/506 of the Indian Penal Code, 1860 against the petitioners.

5. Heard the learned counsel for the petitioners and the State who has placed the case diary along with pen drive containing the C.C.T.V. footage of the incident in this case.
6. In view of the said C.C.T.V. footage and other materials on record, it appears that a prima facie case in respect of the offences alleged is made out against the petitioners and the said case should be permitted to proceed towards trial. Interference at this stage, would amount to an abuse of the process of law.
7. At this stage, the learned counsel for the petitioners submit that though charge-sheet has been submitted, the C.C.T.V. footage is not part of the case diary and, as such, they have not been provided with a copy of the same under Section 207 of Cr.P.C.
8. Considering the fact that the C.C.T.V. footage is relevant for proper adjudication of the case during trial, the learned trial Court is directed to accept the same as a material/evidence in the case diary collected during investigation, on a further prayer by the investigating officer and a copy of the same be supplied to the accuseds/petitioners under Section 207 of Cr.P.C.
9. **The present revisional application is thus dismissed.**
10. Learned trial Court shall proceed with the trial in accordance with law.
11. All connected applications, if any, stand disposed of.
12. Interim order, if any, stands vacated.

- 13.** Copy of this order be sent to the learned Trial Court for necessary compliance.
- 14.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)