

10.05.2024

SL. 65+66
Court No. 34
Suvayan/
Sourav

C.R.R. 1629 of 2024

In Re: - An application under Section 401 read with Section 482 of the Code of Criminal Procedure.

And

In the matter of: **Rajendra Datta**

....petitioner.

With

C.R.R. 1760 of 2024

In Re: - An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure.

And

In the matter of: **Debasis Rakshit**

....petitioner.

Mr. Saibal Mondal
Mr. Debabrata Mondal
Mr. Dinesh Chandra Mondal
Mr. Sandipan Das
Mr. Badrul Karim

...for the petitioner in
CRR 1629 of 2024.

Mr. Mujibar Ali Naskar
Mr. Imtiaz Ahamad
Mr. Sankar Paul
Mr. S. Murshid Alam
Mr. Goutam Malik
Mr. Goutam Sardar

...for the petitioner in
CRR 1760 of 2024.

Mr. Debasish Roy, PP
Mr. Arijit Ganguly
Ms. Sreemoyi Roy

...for the State.

Both revisional applications being CRR 1629 of 2024 and CRR 1760 of 2024 are taken up for hearing.

In brief, the fact of the case is that there was remittance of cash from the Post Office of Rs. 1.35 crores to be deposited at State Bank of India and it was found that a sum of Rs. 35 lakhs were only

deposited and subsequently in the records of the Post Office the number “1” was inserted. The petitioner, Rajendra Datta was the treasurer cash of the said Post Office and the petitioner Debasis Rakshit happened to be the head of the Post Office.

Mr. Saibal Mondal, learned Advocate appearing for the petitioner in CRR 1629 of 2024 emphasised that under the Post Office Rules and Manuals, he was not responsible for the maintenance of the register or ledger and he had a different assignment completely.

On the other hand, learned Advocate appearing for the petitioner in CRR 1760 of 2024 submitted that the petitioner being the head of the Post Office was responsible for the uploading in the App and he could not have interfered with the job of others.

Both the learned Advocates drew the attention of the Court to the opinion of the handwriting expert and emphasized on the same so far as Rajendra Datta is concerned, the opinion of the expert corroborates the handwriting found in the document which was suspected. So far as Debasis Rakshit is concerned, there is an opinion of the handwriting expert which reflects that the same could not be judged properly from the suspected document.

Learned Advocate strenuously argued that the petitioners are innocent of the charges and they have been falsely implicated in connection with the instant case while the real perpetrators of crime have been left out by the investigating agency.

Learned Public Prosecutor appearing on behalf of the State has produce the case diary and also produced before the Court the particular document through which only a sum of Rs. 35 lakh was

deposited by the personnel associated with the Post Office to the concerned account of State Bank of India. The said document allegedly was signed by the petitioner, Debasis Rakshit. Learned Advocate for the State also relied upon the ledger which allegedly contained the short signature of Rajendra Datta.

The oral statements which have been collected in course of investigation and is surfaced out by the accounts department reflects that there was manipulation of records thereby resulting in shortage of quantum of Rs. 1 crore and belongs to the Post Office and the public at large.

At the stage of consideration of charges, this Court will not enter into the zone for conducting a roving enquiry but will *prima facie* assess the pros and cons of the materials collected by the investigating agency to assess whether a case has been made out which creates a grave suspicion or some suspicion.

Having considered the materials collected by the investigating agency, at this stage I am of the opinion that no interference is called for in respect of the order passed by the learned trial court refusing to discharge the present petitioner(s) as there is grave suspicion warranting the petitioner(s) to face trial in the court of law.

Consequently, there is no scope of interference in respect of the prayer so advanced in the revisional application.

With the aforesaid observation, CRR 1629 of 2024 and CRR 1760 of 2024 are dismissed.

All pending connected applications, if any, are also disposed of.

The Investigating Officer of the case is present pursuant to the direction passed by this Court, his further appearance before this Court is dispensed with.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

