

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 2302 of 2016

Abhijit Roy & Ors.
Vs.
The State of West Bengal

Ms. Ipsita Ghosh
... For the petitioner no.1

Mr. Navanil De
Ms. Sonami Mukherjee
Mr. Srinjan Ghosh
... For the petitioner nos.2 and 3

Mr. Debasish Roy, Ld. PP
Mr. Anand Keshari
Ms. Nahid Ahmed
... For the State

1. Affidavits of service filed in Court today on behalf of the petitioners are taken on record.
2. This revisional application has been filed with a prayer for quashing the criminal proceeding, being TR No.01 of 2010 under Sections 409/34 of the Indian Penal Code pending before the learned Special Judge (E.C. Act), 1st Court, Raiganj, Uttar Dinajpur.
3. Learned advocates appearing on behalf of the petitioner no.1 and petitioner nos.2 and 3 submitted that the petitioners are all members of the Board of Directors headed with Chairman, Vice-Chairman, Secretary and three directors of the society and an FIR contains an allegation of defalcation and misappropriation of huge amount of money of the said society.

4. Learned advocates appearing on behalf of the petitioner no.1 and the petitioner nos.2 and 3 as well as that of the State have submitted that charge has already been framed and some of the witnesses have been examined in this case.

5. Therefore, I am of the opinion that at this stage the proceedings should not be quashed only on the ground of agitated before this Court by the learned advocates appearing on behalf of the petitioner no.1 and petitioner nos.2 and 3 that the petitioners are not public servant within the meaning of Section 21 of the Indian Penal Code.

6. However, learned advocates on behalf of the petitioner nos.1, 2 and 3 have submitted that liberty be given to the petitioners to raise all the issues of this revisional application at the time of final hearing of the case.

7. Mr. Debasish Roy, learned Public Prosecutor, appearing on behalf of the State has submitted that such liberty may be granted to the petitioners.

8. Considering all facts and circumstances, specially the stage of the proceeding, I am not inclined to allow the prayer for quashing of the same.

9. The revisional application stands dismissed with liberty to raise the issue mentioned above before the learned Trial Court at the time of final hearing.

10. Interim order, if any, stands vacated.

11. Connected application, if any, also stands dismissed.
12. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.
13. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)