

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

PRESENT:

THE HON'BLE JUSTICE TIRTHANKAR GHOSH

C.R.R. 497 of 2021

Swapan Kumar Ghosh

-vs.-

The State of West Bengal & Anr.

For the Petitioner	: Mr. Debasish Ghosh, Adv., Mr. Shraman Sarkar, Adv., Md. Tehasin Reja, Adv.
For the Opposite Party No.2	: Mr. Nilotpall Chatterjee, Adv., Mr. Satyaki Banerjee, Adv.
For the State	: Mr. Debasish Roy, Ld.PP Mr. Bitasok Banerjee, Adv.
Reserved on	: 27.02.2026
Judgment on	: 02.03.2026

Tirthankar Ghosh, J:-

The revisional application was filed challenging the proceedings arising out of Ballygunge Police Station Case No. 145/18 dated 03.11.2018.

The petitioner is a reputed Professor, working with the department of Jute and Fibre Technology, University of Calcutta. The petitioner was nominated as Chairman, Sectorial Technical Committee on Jute, Textile and Leather of SARSO, a regional standards body of SAARC member states. The petitioner is also a member of H-4 committee of Indian Road Congress,

Government of India. The petitioner was entrusted with several research projects by the University.

The present case was initiated by Prof. Asis Mukhopadhyay, Head of the Department, Jute and Fibre Technology, University of Calcutta. The allegations made in complaint addressed to the Officer-in-Charge, Ballygunge Police Station are as follows:

“pursuant to a R&D Project sponsored by the Ministry of Textiles, Government of India mandating design and engineering of jute and jute blended combined fabrics and its suitable after treatment to develop geo-membrane and tarfelt for potential use, development of jute and jute blended nonwoven for use in thermal and acoustic insulation application, designing, engineering and application of jute based agro-textiles /bioengineering measure for soil and water conservation and fertility enhancement of the barren (tanr) and baid lands of Purulia and development of innovative low gsm jute and jute blended scrimmed nonwoven fabric as a substituent of polypropylene spun boned bags and plastic bags, It has come to my knowledge vide a letter bearing memo number Jute (T) - 6/1/290/16-1 dated 31st August, 2018 from the deputy Jute commissioner, Ministry of Textiles, Government Of India, that a physical verification of accounts/ documents pursuant to the above referred R & D project has been carried out wherein and whereby authentication with regard to the signature of one Debasish Shome regarding certain vouchers being No. 48,55,56 & 59 is necessary.

That pursuant to the vouchers as were enclosed with such intimation, the signatures to the utmost bewilderment in the said vouchers have been vehemently denied and disputed and the same have been stated to have been forged and unfortunately

with the help of such forged and unauthorized vouchers sums of money have been withdrawn through impersonation.

I state that the signatures as reflected in the said vouchers are alleged to have been forged and the same is being used fraudulent and illegal acts and activities. The signature in such document is not existence and absolutely fake, fabricated and false however, the purpose and intention behind such illegal and dishonest activity of forgery is beyond my imagination. It is highly apprehended that such signature may have been used for illegal gains and profits to some unknown person and I have no knowledge about such illegal acts.

I further state that such signature may have been manufactured with fraudulent and dishonest intention of cheating and causing illegal and unauthorised and wrongful gains and the execution of such signature is an apparent act of forgery and cheating and such illegal omission is highly prejudicial to the rights, interest, reputation and the trust and faith imposed upon the department pursuant to the above mentioned R & D Project.

Under such circumstances, I am constrained to lodge this complaint without any delay as the same has been detected recently and in the light of the above, I request your good office to effect appropriate steps and initiate investigation in accordance with law and ensure that justice is done so that the department prevented from facing the ignominy of being shown as a recipient of ill gotten funds. ”

The Investigating Agency on conclusion of investigation initially submitted charge-sheet on or about 04.04.2023 and subsequently filed supplementary charge-sheet on or about 11.12.2025. In the initial charge-sheet, the Investigating Agency relied upon 26 witnesses, whereas, in supplementary charge-sheet 3 witnesses were relied upon. The Investigating

Agency also relied upon a number of documents which were seized in course of investigation. Details of the documents reflects that the seizure list dated 26.11.2018, contains a letter of Debashis Shome and the original vouchers bearing No. 48, 55, 56 & 59. A second seizure list dated 03.12.2018, was produced by an officer of the Bank which included two pages of account statement of Account No. 08370110016497, original bearer Cheque No. 456852 dated 31.01.2018, amounting to Rs.20,205/-; one original bearer Cheque No. 456861 dated 31.03.2018, amounting to Rs.1,886/-; one original bearer Cheque No. 456862 dated 31.03.2018, amounting to Rs.5,960/- and original bearer Cheque No. 456865 dated 31.03.2018, amounting to Rs.22,110/-. All the aforesaid Cheques were drawn on UCO Bank, Ballygunge Circular Road and in the name of Debashis Shome.

The documentary evidence collected by the Investigating Agency would further reflect:-

- (i)** In the seizure list dated 31.03.2022, an original letter/note of Prof. Swapan Kumar Ghosh dated 08.08.2017 with counter sign of Dr. Suman De was seized.
- (ii)** In the seizure list dated 18.10.2022, wherein 32 original vouchers were seized which belongs to Department of Jute and Fibre Technology, Institute of Jute Technology, University of Calcutta and the party name was of Debashis Shome.

- (iii)** In the seizure list dated 13.01.2023 by which two Cheque leaves bearing Cheque No. 456844 and 456848 in the name of Debashis Shome were seized.
- (iv)** In the seizure list dated 07.06.2023, Cheque No. 000080, Cheque No. 000045, Cheque No. 000051, Cheque No. 000075, Cheque No. 000072, Cheque No. 000053, Cheque No. 000014, Cheque No. 000043, Cheque No. 000025, Cheque No. 000051, Cheque No. 000031, Cheque No. 000047, Cheque No. 000033, Cheque No. 000067, Cheque No. 000030, Cheque No. 000036 and Cheque No. 000023, in the name of Debashis Shome were seized.

The materials collected by the Investigating Officer also reflects that the Zonal Manager of UCO Bank affirmed that out of 32 Cheques involved in connection with the instant case, 13 Cheques along with the vouchers could not be located as the said Cheques were damaged due to water logging at the basement area of the Ballygunge Circular Road Branch Premises.

The materials collected by the Investigating Agency also reflects that the handwriting expert's opinion was obtained on three occasions.

The documents which were sent to the handwriting expert along with the opinion are dealt with herein below.

The first report dated 03.08.2020 relates to four Cheques and its disputed writings are as follows:

- “1) 04 Cheques containing disputed writings on its obverse and reverse stamped and marked by me as Q/1 to Q/4, Q/5 to Q/8.*
- 2) 04 Sheets of paper containing specimen writings said to be of Swapan Kumar Ghosh stamped and marked by me as S/1 to S/4.*
- 3) 04 Sheets of paper containing specimen writings said to be of Debashis Shome stamped and marked by me as S/5 to S/8.*

Grounds of Opinion:

- “1) During comparison of the disputed initials marked as Q/1 to Q/4 and the specimen writings and initials marked as S/1 to S/4, I observed that the specimen writings were, slow, conscious and distorted in execution. Whereas the disputed initials marked Q/1 to Q/4 were free and normal in execution. Moreover, they did not contain sufficient comparing data in themselves. Therefore, I am of the following opinion:*

OPINION: *It was not possible to fix up authorship of the disputed initials marked as Q/1 to Q/4 from the materials in hand.*

- 2) During comparison of the disputed writings marked as Q/5 to Q/8 and the specimen writings marked as S/5 to S/8, I observed that the two sets of writings disagreed in speed, skill, spacing, alignment, movement, size and proportion, connections, combinations etc. They disagreed also in manner of forming the chamber of 'D', design of 'a', pen operation in forming 'S', nature of link between 'S' and 'h', formation of knee in 'h' etc.*

The above noted disagreements were significant and sufficient to come to the final conclusion. The cumulative considerations of the same lead me to the following opinion:

OPINION: *The writer who wrote the specimen writings marked as S/5 to S/8 did not write the disputed writings marked as Q/5 to Q/8.””*

The next opinion of the handwriting expert is dated 21.03.2023, which relates to the following documents:

“1. 01 Sheet of paper containing NOTE dated 08.08.2017, 02 cheques of UCO Bank, B.C.Road Branch, Kolkata- 700019, 02 vouchers of Department of Jute & Fibre Technology containing disputed writings stamped and marked by me as Q/1 to Q/8.

2. 04 Sheets of paper containing specimen writings said to be of Swapan Kumar Ghosh stamped and marked by me as S/ 1 to S/4.

3. 04 sheets of paper containing specimen writings said to be of Amulya Shome stamped and marked by me as S/ 5 to S/8.

4. 03 Sheets of paper containing specimen writings said to be of Suman De Sen stamped and marked by me as S/ 9 to S/11.

*“(I) **Grounds for Opinion:** During comparison of the disputed writings marked as Q/1 and the specimen writings marked as S/9 to S/11, it was observed that the disputed writings marked Q/1 was slow, conscious and not free in execution. Whereas, the specimen writings marked as S/9 to S/11 were free and normal in execution. Moreover, all the writing features as observed in the disputed writings marked as Q/1 could not be verified from the specimen writings marked as S/9 to S/11. Therefore, I came to the following conclusion:*

OPINION:

It was not possible to fix up authorship of the disputed writings marked as Q/1 from the specimen writings marked S/ 9 to S/11.

(II) Grounds for Opinion: *During comparison of the disputed writings marked as Q/2 to Q/6, and the specimen writings marked as S/1 to S/4, it was observed that the disputed writings marked as Q/2 to Q/6 were free and normal in execution. Whereas, the specimen writings marked as S/ 1 to S/4 were slow, conscious, not free and distorted in execution. Therefore, all the writing identifying features as observed in the disputed writings marked as Q/2 to Q/6 could not be verified from the specimen writings marked as S/ 1 to S/4. So I came to the following conclusion:*

OPINION:

It was not possible to fix up authorship of the disputed writings marked as Q/2 to Q/6 from the specimen writings marked as S/1 to S/4.

(III) Grounds for Opinion: *During comparison of the disputed writings marked as Q/7, Q/8 and the specimen writings marked as S/5 to S/8, it was observed that the two sets of writings disagreed in speed, skill, spacing, alignment, movement, size and proportion, connections, combinations etc. They disagreed also in manner of starting 'D', formation of chamber in 'D', pen operation in formation of the body of 'S', formation of link in between 'S' and 'h', execution of knee in 'h' etc.*

The above noted disagreements were significant and sufficient to come to the final conclusion. The cumulative considerations of the same lead me to the following opinion:

OPINION:

The writer who wrote the specimen writings marked as S/5 to S/8 did not write the disputed writings marked as Q/7 and Q/8.””

The third opinion of the handwriting expert dated 14.08.2023, relates to the documents which reads as follows:

“1. 17 Cheques and 04 deposit slips of UCO Bank, Ballygunge Circular Kolkata ODEB. CID. W.B. Director, Road, Kolkata containing disputed writings stamped and marked by me as Q/1 to Q/17 and D/ 1 to D/14.

2. 04 Sheets of paper containing specimen writings said to be of Swapan Kumar Ghosh stamped and marked by me as S/1 to S/4.

3. 04 Sheets of paper containing specimen writings said to be of Debashis Shome stamped and marked by me as S/5 to S/8.

*“I. **Grounds for opinion:** During comparison of the disputed writings marked as Q/1 to Q/17 and the specimen writings marked as S/ 1 to S/4, it was observed that the disputed writings marked as Q/1 to Q/17 were free and normal in execution. Whereas, the specimen writings marked as S/1 to S/4 were slow, conscious, not free and distorted in execution. Therefore, all the writings identifying features as observed in the disputed writings marked as Q/1 to Q/17 could not be verified from the specimen writings marked as S/1 to S/4. So I came to the following conclusion:*

OPINION: *It was not possible to fix up authorship of the disputed writings marked as Q/1 to Q/17 from the specimen writings marked as S/ 1 to S/4.*

It is suggested if available to collect 5-6 admitted contemporaneous signatures consisting of similar

model may be found in the Account opening forms of Bank etc of the said suspect and sent to this bureau, for further development of the case.

II. Grounds for opinion: *During comparison of the specimen writings marked as S/5 to S/8 and the disputed writings marked as D/1, D/6, D/8, D/12, D/13, D/14, it was observed that the two sets of writings agreed in speed, skill, spacing, alignment, movement, size and proportion, connections, combinations etc. They agreed also in manner of combination of 'eb', 'ash', 'sh', 'shis', pen operation in formation of lower sector of 'S', habit of executing 'Shome' etc.*

The above noted agreements were significant and sufficient to come to the final conclusion. The cumulative considerations of the same lead me to the following opinion:

OPINION: *The writer who wrote the specimen writings marked as S/5 to S/8 also wrote the disputed writings marked as D/1, D/6, D/8, D/12, D/13 and D/14.*

III. Grounds for opinion: *It was not possible to fix up authorship of the disputed writings marked as D/2 to D/5, D/7, D/9 to D/11 because all the writing features observed in them could not be verified from the specimen writings marked as S/5 to S/8.*

IV. *During scrutiny of the last report passed on 21/03/2023 in c/w QD Case no. 132/2023/588/2019, it was observed that under the headline "Received the following documents" at point no. 3, there was a typographical mistake i.e. "04 sheets of paper containing specimen writings said to be of Amulya Shome stamped and marked by me as "S/5 to S/8." Instead of "Amulya Shome" it would be "Debashis Shome."""*

The list of witnesses cited in the charge-sheet reflects C.S.W. 7 and 8 as Samir Biswas and Noni Gopal Das. Samir Biswas in his statement before the Investigating Officer stated that on instructions of Debashis Shome the two Cheques being Cheque No. 456861 dated 31.03.2018 for Rs.1,886/- and Cheque No. 456862 dated 31.03.2018 for Rs.5,960/- were encashed. The signature at the reverse of the cheque was of Samir Biswas and Debashis Shome. He signed one of his signature's in front of Debashis Shome and another signature was signed at the Bank counter. The Bank Authority handed over the amount to Debashis Shome. The witness also stated that apart from UCO Bank, he also used to withdraw money from State Bank of India, Garcha Branch and handed over the same to the respected superior.

Another witness, C.S.W.8 namely, Noni Gopal Das, an employee of Institute of Jute Technology, in his statement before the Investigating Officer narrated that as per instructions of Debashis Shome, he encashed two cheques bearing No. 456865 dated 31.03.2018 for Rs.22,110/- on 02.06.2018 and another cheque bearing No. 456852 dated 31.01.2018 amounting to Rs.20,205/-. The first cheque was withdrawn on 02.06.2018 and the second cheque was withdrawn on 31.01.2018. He signed the first signature in front of Debashis Shome and the second signature was signed at the cash counter of the Bank. After withdrawal of the aforesaid amount(s), he handed over to Debashis Shome. He also identified the cheques.

The Investigating Officer has also relied in the charge-sheet Debashis Sinha as C.S.W.10. Debashis Sinha was at the relevant point of time an employee of UCO Bank, Ballygunge Circular Road Branch, designated as SWOA (Single Window Operator Group-A). The witness in his statement before the Investigating Officer narrated the facts in tune with the statements of Samir Biswas and Noni Gopal Das (referred to above).

It is a settled position of law that the Court while appreciating an application for quashing of the proceeding wherein charge-sheet has been submitted would also weigh whether the materials collected by the Investigating Agency give rise to suspicion only, as distinguished from grave suspicion. Such propositions have been dealt with by the Hon'ble Apex Court in the case of *P. Vijayan -versus- State of Kerala and Another* reported in (2010) 2 SCC 398, paragraph 10 of the said judgment held as follows:

“.....If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage he is not to see whether the trial will end in conviction or acquittal. Further, the words “not sufficient ground for proceeding against the accused” clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.”

Further in a series of judgment including *M.E. Shivalingamurthy -versus- CBI*, reported in (2020) 2 SCC 768, it has held that if two views are possible and one of them gives rise to suspicion only as distinguished from grave suspicion, the trial Judge would be empowered to discharge the accused.

In this case the handwriting expert's opinion and the statements of the witnesses being C.S.W.7, C.S.W.8 and C.S.W.10 do not inspire confidence. As the prosecution witnesses themselves have stated that they have handed over the money to Debashis Shome.

In *Pepsi Foods Ltd. -versus- Judicial Magistrate*, reported in (1998) 5 SCC 749, it was held by the Hon'ble Apex Court that criminal law cannot be set into motion as a matter of course. The Court has to scrutinise the evidence brought on record and thereafter progress with the proceedings, needless to state that a criminal case has serious ramification on an individual who is asked to face an investigation or trial.

In *Dilawar Balu Kurane -versus- State of Maharashtra*, reported in (2002) 2 SCC 135, similar views were even taken into account in a case under the Prevention of Corruption Act and it was held that, where there is some suspicion and not grave suspicion, it would be in the interest of justice not to proceed with the criminal case.

Further, in *Tuhin Kumar Biswas alias Bumba -Versus - State of West Bengal*, reported in 2025 SCC OnLine SC 2604, it has been observed by the Hon'ble Supreme Court as follows:

“ TENDENCY OF FILING CHARGESHEETS AND FRAMING CHARGES IN MATTERS WHERE NO STRONG SUSPICION IS MADE OUT CLOGS THE JUDICIAL SYSTEM

28. Before parting with this case, this Court would like to emphasise that where there is a pending civil dispute between the parties, the Police and the Criminal Courts must be circumspect in filing a chargesheet and framing charges respectively. In a society governed by rule of law, the decision to file a chargesheet should be based on the Investigating Officer's determination of whether the evidence collected provides a reasonable prospect of conviction. The Police at the stage of filing of Chargesheet and the Criminal Court at the stage of framing of Charge must act as initial filters ensuring that only cases with a strong suspicion should proceed to the formal trial stage to maintain the efficiency and integrity of the judicial system. The tendency of filing chargesheets in matters where no strong suspicion is made out clogs the judicial system. It forces Judges, court staff, and prosecutors to spend time on trials that are likely to result in an acquittal. This diverts limited judicial resources from handling stronger, more serious cases, contributing to massive case backlogs. Undoubtedly, there can be no analysis at the charge framing stage as to whether the case would end in conviction or acquittal, but the fundamental principle is that the State should not prosecute citizens without a reasonable prospect of conviction, as it compromises the right to a fair process.”

I have taken into account the factual backgrounds of the present case and the materials collected by the Investigating Agency which are self-contradictory as also the settled proposition of law as has been discussed above.

Thus, I am of the opinion that further continuance of proceedings relating to Ballygunge Police Station Case No. 145/18 dated 03.11.2018 would result in abuse of the process of law.

Consequently, all further proceedings of Ballygunge Police Station Case No. 145/18 dated 03.11.2018 is hereby quashed.

Accordingly, **CRR 497 of 2021** is **allowed**.

Pending applications, if any, are consequently disposed of.

Case Diary be returned to the learned Advocate appearing for the State.

All parties shall act on the server copy of this judgment duly downloaded from the official website of this Court.

Urgent Xerox certified photocopy of this judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

(Tirthankar Ghosh, J.)