

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

24.09.2024
Court No.3
Item No.24
Ali

CRR 359 of 2024

In Re: An application under Section 528 of the Bharatiya Nagarik
Suraksha Sanhita, 2023;

And

In the matter of: **Kamal Saha**

.**Petitioners.**

Mr. Debapratim Guha, Adv.
Mr. Dipankar Deb, Adv.

... for the petitioners.

The instant criminal revision has been preferred for quashing of proceedings being Pradhan Nagar Police Station Case No. 414 of 2022 dated 05.06.2022 under Sections 406/420/465/468/471/120B of the Indian Penal Code now pending now pending before the learned Judicial Magistrate, 4th Court, Siliguri.

Learned counsel for the petitioners submits that the present petitioners are the LIC agent it has been alleged in the petition complaint by the de-facto complainant that the present petitioners alleged to have been opened and Bank account in the name of the de-facto complainant and her husband without their knowledge they also alleged that the Bank account standing with the United Bank of India, Salbari Branch was never opened by the de-facto complainant.

Learned counsel for the petitioners submits that petitioners being the LIC agent had no authority to open a Bank account in the

name of any of the customers of the LIC. Moreover, he placed reliance upon some documents wherein it appears that the loan amount has been directly credited in the said Bank account of the de-facto complainant and the de-facto complainant has received the amount in cash from the said Bank account. He also placed reliance upon the documents wherein a specific letter has been issued by the LIC regarding disbursement of the loan in the name of the de-facto complainant.

Learned counsel for the petitioners submits that the investigation has conducted by the police in a perfunctory manner and, thereafter, the charge-sheet has been submitted. The instant criminal proceedings, if allowed to be continued. The present petitioners shall be suffered immense and he prayed for necessary order of stay of the further proceeding of the criminal proceedings.

Having heard the learned counsel for the petitioners also considering the petition of complaints as well as the charge-sheet it appears to me that the present petitioners being the LIC agent do not have any authority to open an account in the name of the customers. Moreover, it appears from the Bank details maintained by the Union Bank of India in respect of the account No. 588502010003406 which was standing in the name of the defacto complainant and her husband. Thus, it appears to me that there are prima facie, materials to entertain the instant criminal revision.

On the above observation, I am of the opinion that further proceedings of the criminal case pending before the learned Judicial

Magistrate, 4th Court, Siliguri, would be, prima facie, abuse of process of Court.

Accordingly, there shall be an order of stay of further proceedings of G.R. Case No. 2606 of 2022 arising out of Pradhan Nagar Police Station Case No. 414 of 2022 dated 05.06.2022 till a period of eight weeks from date.

The petitioners are directed to serve the CRR upon the respondents and file an affidavit-of-service before this Court.

Let the matter go out of list.

Parties are at liberty to mention.

(Subhendu Samanta, J.)