

Criminal Revision

Present:

The Hon'ble Justice Ashim Kumar Roy

Judgment on 20.08.2010

C.R.R. No. 1433 of 2010

***Bibhas Chandra Chaki
versus
State & Anr.***

Points:

Delay: Offence punishable under sec.420 I.P.C. whether can be quashed on the ground of delay-Indian Penal Code S.420

Facts:

The petitioner's prayer for discharge and framed charge under Section 420 of the Indian Penal Code on the ground that the complaint is time barred and that the evidentiary material collected during the time of investigation does not disclose commission of any offence justifying framing of charge under Section 420 of the Indian Penal Code was rejected by the Trial Judge.

Held:

This case relates to an offence punishable under Section 420 of the Indian Penal Code, where the sentence of imprisonment may be extended upto seven years, therefore, there is no question of limitation. Para 5

There are sufficient materials to show that the petitioner obtained nearly a sum of Rs. 1.60 lakhs from the complainant on the pretext of giving bribe to the officers of the bank and other Government Organizations for arranging a job for

him. On the face of those allegations, it cannot be said that no prima facie case has been made out against the petitioner. Para 6

For Petitioner : Mr. Himangshu De
Mr. Amal Krishna Samanta

For State : Mr. Tirthankar Ghosh

The Court: The subject matter of challenge in this criminal revision is an order whereby the trial Court has rejected the petitioner's prayer for discharge and framed charge under Section 420 of the Indian Penal Code.

2. Mr. Himangshu De, learned Senior Advocate appearing on behalf of the petitioner urged the following points in support of his prayer for quashing;

(a) The complaint is time barred.

(b) The evidentiary material collected during the time of investigation does not disclose commission of any offence justifying framing of charge under Section 420 of the Indian Penal Code.

3. On the other hand, Mr. Tirthankar Ghosh, learned Advocate appearing for the State, vehemently opposed the prayer for quashing and referring to the evidentiary material contained in the Case Diary submitted that

the present petitioner on the promise for arranging job in different Government organizations obtained a total sum nearly about Rs. 1.60 lakhs from the complainant, an unemployed youth. He further submitted that the complicity of the petitioner having clearly disclosed on the materials collected by the police during investigation the interference with the order of framing charge does not at all arise.

4. Heard the learned advocates appearing on behalf of the parties. Perused the evidentiary materials collected during investigation.

5. So far as the first contention of Mr. De is concerned, that the complaint is time barred is absolutely without any force. This case relates to an offence punishable under Section 420 of the Indian Penal Code, where the sentence of imprisonment may be extended upto seven years, therefore, there is no question of limitation.

6. Now, having regards to the evidentiary materials collected by the police during investigation, which is the foundation of framing charge, I find that there are sufficient materials to show that the petitioner obtained nearly a sum of Rs. 1.60 lakhs from the complainant on the pretext of giving bribe to the officers of the bank and other Government Organizations for arranging a job for him. On the face of those allegations, it cannot be said that no prima facie case has been made out against the petitioner.

7. This criminal revision has no merit and accordingly stands dismissed. Interim order, if any, stands vacated.

8. Criminal Section is directed to deliver urgent Photostat certified copy of this Judgement to the parties, if applied for, as early as possible.

(Ashim Kumar Roy, J.)