IN THE HIGH COURT AT CALCUTTA

CRIMINAL REVISIONAL JURISDICTION

APPELLATE SIDE

Present:-

HON'BLE JUSTICE CHAITALI CHATTERJEE DAS.

CRR 1620 OF 2023

RAJAT MAITY

VS.

THE STATE OF WEST BENGAL & ANR.

For the Petitioner	**:**	**Mr. Ranadeb Sengupta, Adv.**
		Mr. Sachit Talukdar, Adv.
		Mr. Tirtharaj Ghosal,Adv.
For the State	**:**	**Mr. Kallol Mondal, Adv.**
		Mr. Anamitra Banerjee, Adv.
		Mr. Pritam Roy, Adv.
For the Opposite Party no. 2	**:**	**Mr. Apan Saha, Adv.**
For the Opposite Party no. 2 (CHCLSC)	**:**	**Mr. Bibaswan Bhattacharya, Adv.**
		Mr. P. Roy, Adv.
Heard On	**:**	**31.08.2026**
Judgement on	**:**	**13.11.2026**
Uploaded on	**:**	**13.11.2026**

CHAITALI CHATTERJEE DAS, J.:-

1. This instant revisional application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the proceeding being Sessions case no. 445/2022, arising out of Tamluk Police Station case no. 379 dated 12.05.2022 under Section 420/406/409/467/468/471/472/473/474/475/477A/413/120B of the Indian penal code, 1860 presently pending before the Learned Additional Sessions Judge, 1st Court at Tamluk, Purba Medinipur.

Fact of the case

2. The petitioner was employed by a company named and styled as Adecco India Pvt. Ltd. in the month of April, 2017. As part of his employment, the petitioner was deputed to a company named and styled as Atyati Technologies Pvt. Ltd. After taking into account of the petitioner's work record, the company appointed him as process associate at their organisation with effect from 1.10.2021. In view of his performance and contribution to the organisation, the petitioner was also rewarded with a certificate appreciating the same.

3. A complaint was lodged by the Opposite Party no. 2 before the Tamluk Police Station against one Amit Sahoo, UCO Bank Mecheda Branch and Atyati Technologies Pvt. Ltd. having its registered office at Bangalore, alleging of commission of the offences punishable under the above mentioned provisions of the Indian Penal Code. It was the allegation of the opposite party no.2 that a customer service point (CSP) of UCO Bank, Mecheda

Branch was functional in the village of Opposite Party No.2, and it was run and managed by one Amit Sahoo of Khanjadapur. She had been visiting and executing banking transactions through the customer service point. As an abundant precaution track to executing transactions from the said service point, she enquired about the same form from the Mecheda branch of the UCO Bank in order to certain whether at all the customer service point belong to the said Bank and branch. The branch manager of the bank assured her that the service point is under the control of the UCO Bank Mecheda Branch and it was set up for the convenience and for the customers. She was further assured that banking transactions through the said customer service point would be safe and secure. Being assured about the same, she deposited a sum of ₹1,17,000/- through the said customer service point over a period of time . Subsequently on 6.5.2022 when she visited the service point to withdraw money, it was found that the customer service point is under lock and key. After that she rushed to Mecheda Branch of the UCO Bank and tried to withdraw money and then she realized that in her account a paltry sum of Rs 1000/-is lying in her account. She alleged that the Bank Manager evaded the accountability and further came to learn on enquiry that Amit Sahoo who used to run the said CSP was missing from his residence. She was further informed that an agreement was entered into by the head office of the UCO Bank with Atyati Technology to manage the customer service point and Amit Sahoo who used to manage the operation of the customer service points have engineered the entire fraud. It was surfaced that the total embezzled money from the accounts of several depositors was to the tune of Rs. 2 Crores approximately.

4. On the basis of such complaint, Tamluk Police Station case no. 379/2022 was registered against Amit Shaoo, UCO Bank Mecheda Branch and Atyati Technologies Private Limited. It is the further case of the petitioner that pursuing to a similar fraud having been committed by Amit Sahoo at said customer service point, Kolaghat Police Station case no. 258/2022 dated 19.5.2022, under Section 420/406/409/467/468/477A/34 IPC was registered on the basis of a complaint lodged by Rama Ghorai .

5. In connection with the said proceeding the petitioner was arrested on 17.11.2022 and on completion of investigation, charge sheet submitted against other accused persons, including the petitioners and his role attribute was only failure to perform duty of monitoring the functioning of the said customer service point diligently. In the charge sheet submitted in respect of the complaint of the opposite party no.2, the only allegation surfaced against the petitioner was failure to monitor properly the functioning of the customer service point that was managed by Amit Sahoo. The learned Judicial Magistrate, Tamluk, Purba Mednipur by an order dated 02.12.2022, committed the case to the learned Sessions Court in terms of section 209 of Cr.P.C, 1973 and by an order dated 16.12.2022, the Learned Sessions Judge took cognizance and transferred the same to the court of learned Additional session judge, 1st Court Tamluk for trial.

6. The petitioner received the copies of the documents accompanying the charge sheet in terms of Section 207 of Code of Criminal Procedure, 1973 and found no material which indicates the complicity of the petitioner either in the nature of conspiracy or any money trail or forgery and falsification of

accounts and doesn't does not appear to be any foundation for proceeding against the petitioner.

Submissions

7. The learned advocate representing the petitioner argued that the petitioner initially wasn't an employee of Atyati Technologies Private Limited, responsible for monitoring a customer service point UCO Bank's Mecheda Branch. The present petitioner was not named in the FIR and was implicated in the matter during investigation and made an accused in the charge sheet. The petitioner's role was to look after the functioning of the CSP. The Investigating officer excepting dereliction of duty found no other materials against him.

8. It is contended by the Learned Advocate that the essential ingredients to attract Section 420 of the Indian Penal Code, 1860 are (i) dishonest inducement to deliver property or to make, alter, or destroy any valuable security or anything which is sealed or is capable of being converted into a valuable security and (ii) *mens rea* of the accused at the time of making the inducement. The ingredients necessary to make out an offence under Section 406 of the Indian penal code were also not followed as no property was entrusted on the present petitioner or any materials found to establish any misappropriation or breach of contract or violation of any law. In addition even if anything was found that should be applicable, not against the present petitioner, but against the other accused in terms of the allegations levelled against them. Accordingly prayed for quashing of entire proceeding.

9. On behalf of prosecution objection has been raised since the charge sheet has been submitted on conclusion of investigation and the case is now pending before the Learned Sessions Judge for framing of the charges against the present petitioner, after hearing the parties. It is further submitted that in order to test the veracity of the materials collected against him, he should appear before the court. The further contention is that the control of investigation of the case was assumed by CID, West Bengal crime, West Bengal Org. no. 558(A)/CS dated 21.6.2022 considering the extent of the offences DDI, Purba Medinipur was entrusted to investigate the case. It is further submitted that the de facto complainant is a village lady and a fraud perpetrated over 3000 people and embezzlement is to the tune of Rs 200 Crores approximately and there is further scope of investigation. Therefore, at this stage, if the prayer of the petitioner is allowed, several bona fide customers will be highly prejudiced and it would have an societal impact.

Analysis

10. Heard the submissions. The case was initiated on the basis of a complaint lodged by one Sabina Bibi being a customer of UCO Bank, Mecheda Branch with specific allegation about misappropriation of her deposited amount with the CSP run by Amit Sahoo and she believed that Amit Sahoo in collusion with UCO Bank Mecheda Branch and Atyati Technologies Pvt.Ltd conspired to misappropriate a substantial amount of money and several person were cheated by them. It is seen from the case diary that subsequently the control of investigation of this case was assumed by CID

West Bengal on 21.6.2022 as per order of Crime, West Bengal Org. No 557(A)/CS dated 21.6.2022. The Inspector/DDI Purba Medinipur retired from his service on 31.12.22 and subsequent investigating officer took up the further investigation as per order of superiors, CID ,W.B vide crime W.B Org no. 1137/CI dated 30/12/2022.

11. It is evident that the principal accused named in the written complaint is Amit Sahoo and the present petitioner being an employee of Atyati Technologies Private Limited Mecheda Branch, whose name has been surfaced in course of investigation. The petitioner originally joined in a company name and styled as Adecco India Private Limited in the year 2017, and as part of his employment, he was deputed by the said company to Atyati Technologies Private Limited and subsequently taking into his work record, he was deputed to the said company and was appointed as a Process Associate at their organisation with effect from 1.10.2021. The connection between Amit Sahoo and the present petitioner is drawn as a customer service point of UCO Bank Mecheda Branch was functional at the village of the complainant and it was run and managed by Amit Sahoo who was also engaged in the operation of a different Customer Service Point at UCO Bank Mecheda Branch in a village which fell under the jurisdiction of Kolaghat Police Station and another case started against him for causing similar nature of fraud . In course of Investigation it was found there was an agreement executed between Amit Sahoo and Atyati Technology Private Limited .The Investigating authority collected the necessary copies of documents and considering the involvement of the number of victims who

have suffered due to a fraud committed by said Amit Sahu and CSP, which was later on shut down, the investigation was taken control of by the CID, West Bengal.

12. In the meantime, on the basis of the complaint lodged with the Kolaghat Police Station and petitioner was arrested and later on released upon executing bail Bond. The materials collected in course of investigation specifically attributed the present petitioner being unable to maintain his duty properly as a responsible person to look after the CSP, as per report of the Territory manager of Atyati Technologies Private Limited Mecheda Branch. Names of several of Bank officials also surfaced during investigation. The present petitioner was arrested and later was released on bail. In course of investigation, it was revealed that said Atyati Technology Private Limited had been engaged as business correspondences to look after the said CSP, which was run by accused Amit Sahoo, and it is also clear that the present petitioner and Sourav Sinha were entrusted with responsibility to look after the CSP of Amit Sahoo from time to time.

13. The Learned Court took cognizance on 16.12.22 and copy supplied on commitment on 2.12.22 and the next date was fixed for appearance of the accused persons on 17.8.2026.

14. Fact remains in the present case that the charge-sheet was submitted against the petitioner both under Section 420/406 along with other penal charges and in view of the celebrated decision of the Hon'ble Apex Court in

Delhi Race Club (1940) Limited vs. State of Uttar Pradesh[1] both the charges cannot go simultaneously. It was held therein which has been reiterated in the case of ***Arshad Neyaz Khan vs State of Jharkhand & Anr.***[2] that-

> *"This Court in Delhi Race Club (1940) Limited vs. State of Uttar Pradesh, (2024) 10 SCC 690 observed that there is a distinction between criminal breach of trust and cheating. For cheating, criminal intention is necessary at the time of making false or misleading representation i.e. since inception. In criminal breach of trust, mere proof of entrustment is sufficient. Thus, in case of criminal breach of trust, the offender is lawfully entrusted with the property, and he dishonestly misappropriates the same. Whereas, in case of cheating, the offender fraudulently or dishonestly induces a person by deceiving him to deliver a property. In such a situation, both offences cannot co-exist simultaneously. Consequently, the complaint cannot contain both the offences that are independent and distinct. The said offences cannot co-exist simultaneously in the same set of facts as they are antithetical to each other."*

However the Learned Court has not yet framed the charge against the accused person since the entire proceeding remained stayed by virtue of an order passed in the instant revisional application.

15. Considering the extent of the offences and its effect on the village people with regard to the embezzlement of huge amount of money which were deposited with the CSP run by the Principle accused and to be supervised

[1] (2024) 10 SCC 690
[2] 2025 INSC 1151

and monitored by the petitioner, it is very much necessary that this court be very much cautious in exercising the inherent jurisdiction to quash the proceeding at the threshold when on completion of investigation charge sheet has been submitted against the petitioner.

16. Factual matrix unveils execution of an agreement executed between two companies entrusting the petitioner with the responsibility to look CSP of Amit Sahoo hence any negligence or failure on his part in discharge of such duties resulting in non-performance and deficiency of services cannot be viewed in isolation .Such acts may have paved the way of the principal accused person, Amit Sahoo in perpetrating such alleged offence thereby causing financial loses and hardship to several persons . The complicity of the petitioner in the commission of offence of cheating by hatching a conspiracy cannot be ruled out at early of this stage when prima facie the charges have been established.

17. In the decision of ***Haji Iqbal versus State of UP***[3] where duty was laid down to the Court while assessing an application under Section 482 of the Code of Criminal Procedure and in paragraph 15 to 17 it was observed and held that-

> *"15. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution*

[3] (2023) 20 SCC 209,

to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely.

16. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

17. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into

account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

18. From the nature of the allegations and the materials collected, this court do not find any frivolous or vexatious ground for initiating such complaint against the present petitioner or that it was instituted with ulterior motive for wreaking vengeance as there are multiple complaint against the accused persons and the customers of UCO Bank were defrauded and are the worst sufferer.

19. On behalf of the Prosecution it was contended that if the petitioner would have looked after the CSP properly the principle accused Amit Sahoo could not commit the crimes as because any CSP runs through biometrically.Accordingly amongst the other charges the charge under section 34 IPC also been slapped against the petitioner . Admitted fact remains he was the support Associate of Atyati Technologies Pvt. Ltd and had an important role to discharge.

Conclusions

20. The exercise of power under inherent jurisdiction are wide and of plenitude and to be used in rarest of rare cases only in order to prevent the abuse of

the process of the court or to secure the ends of justice. The Learned Court in the similar matter already framed the charge against this petitioner and this case is pending for framing of the charge.

21. Considering the overall circumstances, the complicity of the petitioner cannot be ruled out completely since ascertainment is necessary as to whether the negligence in discharging duty was deliberate to pave the way to the Principle accused to commit the offences and hence this Court do not find it appropriate to quash the entire proceeding. It would be appropriate if the Learned Trial Judge considering the available materials and after giving an opportunity of hearing to the petitioner on the point of framing of charge pass necessary order. Primarily it can be said that the petitioner is not a public servant or Banker, merchant or agent and in terms of the definition no charge can be framed under section 409 IPC against him. Similarly in terms of the decision of the Hon'ble Supreme Court both the charges for cheating and criminal breach of trust cannot go simultaneously and this aspects also needs to be decided by the Learned Session Judge while framing the charges. However, liberty is given to the Court to act in accordance with law without being influenced by any observations made hereinabove.

22. Hence this Court do not consider it a fit case at this stage to quash the entire proceeding against the petitioner at the threshold.

23. The Ld. Trial Judge is directed to fix a date for hearing on the point framing of charge and to do the needful in the list of the settled proposition of law. The petitioner will be at liberty to take all points at the time of hearing on the point framing of charge.

24. Accordingly this revisional application stands rejected without any costs.

25. All connected pending applications are also disposed of.

26. Case Diary be returned.

27. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

[CHAITALI CHATTERJEE (DAS), J.]

High Court
सत्यमेव जयते
Calcutta