

20.12.2022

Sl. No. 18

Srimanta

Ct.No. 42

CRR/3142/2022

In the matter of : **Md. Zabir Alam**

Mr. Imtiaz Ahmed, Adv.,
Mrs. Ghazala Firdaus, Adv.,
Mr. Mofakkerul Islam, Adv.,
Mr. Sk. Saidullah, Adv.,
Mr. Mithun Mondal, Adv.,
Mr. Md. Arsalan, Adv.,
Mr. Julfikar Alam, Adv.

...for the petitioner.

The petitioner has filed the instant revision under Section 482 of the Code of Criminal Procedure praying for quashing of further proceeding in connection with GR Case No. 525/2022 arising out of Bhangore Police Station Case No. 21/2018 as well as Charge-sheet No. 79/2021 dated 21st April, 2021 under Sections 419/420 of the Indian Penal Code and 66 of the Information Technology Act presently pending before the learned ACJM, Baruipur alleging, inter alia, that Bhangore Police Station Case No. 21/2018 was registered on the basis of a written complaint submitted by the Principal of Bhangore Maha Vidyalaya alleging, inter alia, that the Government of West Bengal introduced stipend to the minority college students scoring below 50 per cent marks under Talent Search Programme Scheme. The procedure for getting stipend is that the eligible students would fill in the form on line and upload the same for verification by the college authority. The college authority receives a password, which is used to log in to the website of DOMA to verify students for approval or rejection. In the year 2017 password was duly forwarded to the mobile phone of the principal which was reset immediately in the month of

December, 2017. Since then as soon as the college logged in to the website, an OTP is sent to the registered mobile. Even before the college authority started approving or rejecting candidates, it was found that 141 candidates have already been approved for the scholarship from Bhangore Maha Vidyalaya. It is submitted by the de facto complainant that some manipulation was created in the computerized system of DOMA and the names of 141 candidates were uploaded in the system as approved candidates.

On the basis of the said complaint, Police registered Bhangore Police Station Case No. 21/2018 against unknown person. During investigation, it was ascertained by the Investigating Officer that the petitioner was instrumental in uploading the names of 141 students as approved candidates for stipend.

It is contended by the learned Advocate for the petitioner that the approved candidate is entitled to a waiver of 50 per cent of admission fee towards stipend. However, the petitioner does not have any wrongful gain in uploading the names of 141 students. Therefore, the petitioner was wrongly implicated in the case by the Police Authority.

Having heard the learned Advocate for the petitioner and on careful perusal of the materials-on-record, I do not find any reason to quash the proceeding against the petitioner at this stage. If during trial it is proved that the petitioner uploaded the names of 141 students as approved candidates who are entitled to stipend, criminal liability of the petitioner cannot be ignored.

Thus, I do not find any merit in the instant revision and accordingly revisional application is summarily **dismissed**.

(Bibek Chaudhuri, J.)