IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

PRESENT:
THE HON'BLE JUSTICE UDAY KUMAR

CRR 1011 OF 2023

MANOJ SAHA
-VS-
STATE OF WEST BENGAL AND ANR.

For the Petitioner	: Ms. Sutapa Sanyal Ms. Priyanka Saha
For the State	: Mr. Ramashis Mukherjee Ms. Pramita Banerjee Ms. Rima Banerjee
For the Opposite Party No.2	: Mr. Rajendra Chaturvedi
Reserved on	: 12.10.2026
Pronounced on	: 15.10.2026

UDAY KUMAR, J.: –

1. The present revisional application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 (*Cr.P.C.*) has been preferred by the petitioner, Manoj Saha, seeking quashing of the criminal proceedings in connection with Uttarpara Police Station Case No. 316 of 2022 dated August 22, 2022, corresponding to G.R. Case No. 1619 of 2022 under Sections 182, 417, 420, and 34 of the Indian Penal Code, 1860 (*IPC*), presently pending before the learned Additional Chief

Judicial Magistrate, Serampore, Hooghly, including Charge Sheet No. 392 of 2022 dated November 29, 2022.

2. The brief factual background of the case, as emerging from the petition, the notes of argument, and the annexed records, is that pursuant to Board of Councillors Order No. Admn/28/order/1791(13) dated 05.03.2008 read with Municipal Affairs Department Memo No. 1232/MA/C-10/3S-60/2007 dated 16.10.2007, the petitioner was initially engaged on March 15, 2008, as a Sub-Assistant Engineer (Civil) under the Jawaharlal Nehru National Urban Renewal Mission (*JNNURM*) at Konnagar Municipality following a selection interview held on January 17, 2008. Subsequently, his consolidated remuneration was enhanced to ₹18,000/- per month vide Government Order No. 760/MA/C-10/3S-60/2007 dated 16.09.2010.

3. Pursuant to a public advertisement published on June 26, 2012, Konnagar Municipality invited applications for filling up a regular post of Sub-Assistant Engineer (Civil) reserved for Scheduled Caste (*SC*) candidates. The petitioner submitted his application along with his diploma certificates and a Scheduled Caste certificate bearing No. 1191/SCHEDULE CASTE/S.T. dated May 18, 2012, issued by the Sub-Divisional Officer (*SDO*), Serampore, Hooghly. Following a competitive written test and viva-voce examination before the Selection Committee, the petitioner secured the 1st position on the merit panel. On July 23, 2013, the Chairman of Konnagar Municipality issued Memo No. ADMN/28/staff/1059 to the Director of Local Bodies (*DLB*), West Bengal, seeking formal approval for issuing an appointment letter in

favour of the petitioner, which was also duly approved by the Board of Councillors in its meeting dated June 29, 2013 (where the Opposite Party No. 2 was present, as a member of the Board of Councillors).

4. In the interim, Opposite Party No. 2 (Sri Swapan Das, currently Chairman of Konnagar Municipality) lodged an administrative objection alleging that the petitioner did not belong to the Scheduled Caste community. Acting upon the said objection, the SDO, Serampore, issued Memo No. 641/BCW/SRP cancelling the initial Caste Certificate dated May 18, 2012, as the petitioner had not initially produced his original 1950 ancestral deed. In compliance with the administrative directive, the petitioner surrendered the original certificate to the authorities.

5. Thereafter, a comprehensive statutory inquiry was undertaken by the competent authority—the SDO, Serampore. Upon examining original ancestral registered title deeds of the petitioner dating back to July 20, 1950, wherein the petitioner's sub-caste was explicitly recorded as "Sunri", the SDO, Serampore submitted a formal enquiry report to the Director of Local Bodies vide Memo No. 1315/BCW dated September 27, 2021 confirming that the petitioner's family belongs to the "Sunri" community—a Scheduled Caste recognized under the Constitution (Scheduled Castes) Order, 1950 (as amended). Consequently, after full administrative satisfaction, the SDO, Serampore issued a fresh digital Scheduled Caste Certificate bearing No. WB1204SC2022004570 dated March 10, 2022, in favour of the petitioner. The genuineness of this document and the underlying 1950 deed stand further fortified by the

report of the SDO, Serampore dated April 29, 2025, and the State report submitted before this Court dated September 29, 2026.

6. Despite the issuance of the validated Caste Certificate by the competent statutory authority, Opposite Party No. 2 lodged a written complaint on August 22, 2022, before the Inspector-in-Charge, Uttarpara Police Station, alleging that the petitioner obtained a municipal appointment against a reserved SC vacancy by submitting a false caste affidavit/certificate in connivance with the former Municipal Chairman (Sri Bappaditya Chatterjee), thereby defrauding the municipality and siphoning off public funds. Significantly, the complainant suppressed the fact that the petitioner had been working as a Sub-Assistant Engineer (Civil) in the municipality since March 15, 2008, falsely alleging that he joined "sometime in the year 2013". On the basis of the said complaint, Uttarpara P.S. Case No. 316 of 2022 was registered under Sections 182, 417, 419, 420, 467, 468, 471, and 34 IPC.

7. Upon completion of the investigation, the Investigating Officer submitted Charge Sheet No. 392 of 2022 dated November 29, 2022. Crucially, the Investigating Officer recorded a specific finding in the charge sheet that no evidence was found to substantiate the charges of forgery, personation, or document tampering under Sections 419, 467, 468, and 471 IPC, and explicitly dropped those charges by observing:

> *"In course of investigation the ingredients of Section 419/468/467/471 was not proved. The complainant failed to provide any such documents from which it can be proved that both*

the FIR named accused persons committed false personification or tampering of document."

However, under directions from superior officers, the Investigating Officer submitted the charge sheet against the petitioner, strictly under Sections 182, 417, 420, and 34 IPC.

8. Learned Advocate appearing for the petitioner forcefully contends that the continuation of the criminal proceeding is a gross abuse of the process of Court and is legally unsustainable for the following reasons:

(i) The complainant deliberately suppressed the material fact that the petitioner had been working as a Sub-Assistant Engineer (Civil) at the Konnagar Municipality under JNNURM since March 15, 2008, long before the 2012 recruitment advertisement, falsely alleging that he joined "sometime in the year 2013".

(ii) Section 182 IPC penalizes giving false information to a public servant. Under Section 195(1)(a)(i) Cr.P.C., no Court can take cognizance of an offence punishable under Section 182 IPC except upon a formal written complaint filed by the public servant concerned or their administrative superior. Taking cognizance of an offence punishable under Section 182 IPC on a police charge sheet is barred by law and void *ab initio*. Moreover, Section 182 IPC carries a maximum punishment of 6 months imprisonment, attracting the limitation period under Section 468 Cr.P.C.

(iii) The Caste Certificate dated March 10, 2022, issued on the government OS CAR portal following SDO Serampore's inquiry report dated September 27, 2021 (and re-confirmed by the report of the SDO himself dated April 29, 2025/State Report dated September 29, 2026), is a public document under Section 74 of the Evidence Act, 1872. Relying on *Anita Malhotra v. Apparel Export Promotion Council & Anr., [(2012) 1 SCC 520]*, it is submitted that where unimpeachable public documents establish the innocence of the accused, the High Court must exercise power under Section 482 Cr.P.C. to prevent abuse of process.

(iv) To attract the offence of 'cheating and dishonestly inducing delivery of property' punishable under Section 420 IPC, there must exist fraudulent/dishonest inducement (*mens rea)* since inception, leading to delivery of property or valuable security, relying on the ratio laid down by the Hon'ble Supreme Court in *Mohammed Ibrahim & Ors. v. State of Bihar & Anr.*, *[(2009) 8 SCC 751]*; *VESA Holdings Private Ltd. & Anr. v. State of Kerala & Ors.*, *[(2015) 8 SCC 293]* and *Jupally Lakshmikantha Reddy v. State of Andhra Pradesh & Anr.*, *[2025 SCC OnLine SC 1950]*. Since the Investigating Officer explicitly dropped forgery charges and the competent authority (SDO) validated the petitioner's genuine SC status ("Sunri" community), no dishonest representation or misappropriation occurred. Section 417 IPC

merely provides punishment for cheating and cannot survive independently without the substantive elements of cheating.

9. Learned Counsel for the State and Opposite Party No. 2 submit that the initial caste certificate submitted by the petitioner in 2012 was cancelled by the SDO, Serampore, and the fresh certificate was issued only in 2022. It is contended that during the intervening period, the petitioner benefited from being employed in a reserved post on the basis of a invalid/cancelled document, which *prima facie* discloses ingredients of cheating under Sections 417 and 420 IPC warranting trial.

10. Having heard learned Counsel for the respective parties and perused the record, the following core questions arise for determination:

Firstly, Whether a Court can legally take cognizance of an offence under Section 182 IPC on the basis of a police charge sheet submitted under Section 173 Cr.P.C., in view of the explicit statutory bar mandated under Section 195(1)(a)(i) Cr.P.C.?

Secondly, Whether the issuance and validation of a Scheduled Caste Certificate by a competent statutory authority—being a public document under Section 74 of the Evidence Act, 1872—can be disregarded at the threshold stage under Section 482 Cr.P.C. when considering the sustainability of a criminal prosecution?

Thirdly, Whether the receipt of earned contractual salary/emoluments by an employee—whose Scheduled Caste status ("Sunri" community) stands conclusively verified and certified by the competent statutory authority—can constitute the offence of Cheating under Sections 417/420 IPC against the petitioner, particularly when the Investigating Officer specifically dropped all charges of forgery, personation, and document tampering (Sections 419, 467, 468, 471 IPC)?

Fourthly, Whether the continuation of the impugned criminal proceeding against the petitioner constitutes an abuse of the process of Court falling within the parameters laid down in *State of Haryana & Ors. v. Bhajan Lal & Ors., [1992 Supp (1) SCC 335]*?

11. Commencing to determine the first Question, the following legal discussion takes place; a fundamental legal bar invalidates the charge sheet insofar as it incorporates Section 182 IPC. Section 182 IPC penalizes giving false information to a public servant with intent to cause such public servant to use lawful power to the injury of another. Section 195(1)(a)(i) Cr.P.C. creates an absolute statutory bar against taking cognizance of such offences by any Court, except upon a written complaint filed by the public servant concerned or some other public servant to whom he is administratively subordinate. It is a well-settled proposition of law that a police report under Section 173 Cr.P.C. (charge sheet) cannot be treated as a "complaint in writing" by a public

servant for the purposes of Section 195(1)(a)(i) Cr.P.C. Taking cognizance of Section 182 IPC on the basis of Charge Sheet No. 392 of 2022 is directly contrary to the statutory mandate and is legally void *ab initio (State of U.P. v. Mata Bhikh & Ors., [(1994) 4 SCC 95]*; *Daulat Ram v. State of Punjab*, *[AIR 1962 SC 1206].*

12. Furthermore, Section 182 IPC carries a maximum sentence of imprisonment for six months. Under Section 468(2)(b) Cr.P.C., the period of limitation for taking cognizance of an offence punishable with imprisonment for a term not exceeding one year, is strictly one (1) year. Attempting to initiate prosecution under Section 182 IPC in the year 2022 for offence under Section 182 IPC allegedly committed in the year 2012/2013 is patently barred by limitation under Section 468 Cr.P.C. Therefore, the first Question is answered in the negative, in favour of the petitioner.

13. Proceeding to determine the second Question, the Scheduled Caste Certificate bearing No. WB1204SC2022004570 dated 10.03.2022 issued by the SDO, Serampore, via the OS CAR portal forms part of official public records kept by executive officers, strictly falling within the definition of a "Public Document" under Section 74(1)(iii) and Section 74(2) of the Evidence Act, 1872. As held by the Hon'ble Supreme Court in *Anita Malhotra (supra)*, when an accused places before the High Court public documents of unimpeachable and undisputed character which demonstrate that the accusation cannot stand, the High Court is duty-bound under Section 482 Cr.P.C. to look into such documents at the threshold stage to prevent injustice and

quash the proceedings. The enquiry report dated 27.09.2021, the validated caste certificate dated 10.03.2022, and the State report dated 29.09.2026 confirming the 1950 ancestral title deeds conclusively establish the petitioner's "Sunri" sub-caste. Therefore, the second Question is answered in the negative, by holding that unimpeachable public documents verifying caste status must be given full weight to prevent malicious prosecution.

14. Moving on to the third Question for determination, law is well-settled that in order to *prima facie* establish the offence of cheating under Section 415 IPC (punishable under Sections 417 and 420 IPC), there must exist a fraudulent or dishonest intention (*mens rea*) at the very inception of the transaction, dishonestly inducing a person to deliver property or valuable security [*Mohammed Ibrahim (supra)*; *VESA Holdings (supra)* and *Jupally Lakshmikantha Reddy (supra)*]. However, in the instant case, two key factors completely negate the *prima facie* existence of *mens rea* or deception:

I. The Investigating Officer explicitly recorded in Charge Sheet No. 392 of 2022 that the allegations of false personation, forgery, and document tampering (Sections 419, 467, 468, 471 IPC) **could not be proved**, as the complainant failed to produce any supporting materials.

II. The caste status of the petitioner is not fraudulent. The competent statutory authority—the SDO, Serampore—conducted an extensive inquiry under Memo No. 1315/BCW

dated 27.09.2021, examined 1950 title deeds of the petitioner confirming the "Sunri" sub-caste, and formally issued a fresh, valid Scheduled Caste Certificate No. WB1204SC2022004570 dated 10.03.2022.

15. Since the petitioner genuinely belongs to the "Sunri" community (a recognized Scheduled Caste) and performed actual service as a Sub-Assistant Engineer, the salary disbursed to him represents earned remuneration for work done, not property obtained through dishonest inducement. Section 417 IPC merely prescribes the penalty for cheating and cannot stand independently where the substantive ingredients of cheating are absent. Taking into consideration the ratio laid down by the Hon'ble Supreme Court in *Kumari Madhuri Patil & Anr. v. Addl. Commissioner, Tribal Development & Ors.*, *[1994) 6 SCC 241]* that where the competent administrative authority has certified the genuineness of the caste status, criminal prosecution for cheating on the self-same issue cannot be sustained, accordingly, the Third Question is answered in the negative, in favour of the petitioner.

16. Upon evaluating the overall materials-on-record, this Court finds that the criminal prosecution was initiated out of administrative animosity following the re-verification and validation of the petitioner's caste certificate. The complainant deliberately suppressed the petitioner's prior contractual service under the Konnagar Municipality since 2008 and his own presence in the 2013 Board meeting approving the panel. The Investigating Officer himself noted in the charge sheet that the core allegations of forgery and personation were unsubstantiated, yet

proceeded to file a charge sheet under Sections 182, 417 and 420 IPC purely under superior directions.

17. This case falls squarely within categories (1), (3) and (7) of the landmark guidelines laid down by the Hon'ble Supreme Court in *Bhajan Lal (supra)*:

> Category (1): Where the allegations made in the FIR/charge sheet, even if taken at face value, do not *prima facie* constitute any offence or make out a case against the accused.
>
> Category (3): Where the uncontroverted allegations in the FIR and evidence collected in support of the same do not disclose the commission of any offence.
>
> Category (7): Where a criminal proceeding is manifestly attended with *mala fide* and/or is maliciously instituted with an ulterior motive for wreaking vengeance on the accused.

18. In view of the statutory bar under Section 195(1)(a)(i) Cr.P.C., the period of limitation under Section 468 Cr.P.C., the conclusive validation of the petitioner's Scheduled Caste status by the competent authority, the authenticity and unimpeachable nature of public documents under Section 74 of the Evidence Act, and the explicit finding in the charge sheet dropping all charges of forgery and personation for lack of documentary evidence substantiating the same, the continuation of the connected criminal proceeding against the petitioner constitutes a clear abuse of the process of Court. Therefore, the Fourth Question is also answered in the affirmative, in favour of the petitioner.

19. Accordingly, the revisional application being C.R.R. No. 1011 of 2023 is allowed.

20. The criminal proceedings in connection with Uttarpara Police Station Case No. 316 of 2022 dated August 22, 2022 (corresponding to G.R. Case No. 1619 of 2022), presently pending before the Court of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly, including Charge Sheet No. 392 of 2022 dated November 29, 2022, under Sections 182, 417, 420, and 34 of the Indian Penal Code, 1860, are hereby quashed and set aside insofar as the petitioner, Manoj Saha, is concerned.

21. Pending connected application(s), if any, are disposed of accordingly.

22. Interim orders, if any, stand vacated.

23. There shall be no order as to costs.

24. Let a copy of this judgment along with the Trial Court Records (T.C.R.) be transmitted to the learned Trial Court forthwith for necessary compliance and information.

25. Case diary, be returned to the Learned Counsel for the State.

26. Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Uday Kumar, J.)