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July 29,
2021
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C.R.R. No.582 of 2012
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973.

In the matter of : Suresh Jain. ...petitioner.

The present revisional application has been preferred challenging the proceedings pending before the learned Chief Judicial Magistrate, Jalpaiguri in connection with CR Case No.238 of 2008 under Sections 14(1A) read with Section 14A(1), 14(2) of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952.

The main thrust of contention of the present petitioner is that although the entire statutory dues have been paid, yet the case has been initiated against the present petitioner. It has also been agitated that the learned Magistrate erroneously issued cognizance of the offence.

Having regard to the contentions so advanced by the petitioner and the documents so enclosed, I am of the view that the same were paid subsequently which do not exonerate the petitioner from the alleged offence. However, the same may be considered by the learned Magistrate while deciding on the issue of sentence. The revisional application do not call for any interference.

Accordingly, CRR 582 of 2012 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

The learned Magistrate is directed to proceed with the case and dispose of the same as expeditiously as possible.

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

(Tirthankar Ghosh, J.)