

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

IA No: CRAN/1/2021

In

CRR/1350/2018

Janardan Nirman Pvt. Ltd.

Vs.

Maxout Infrastructure Pvt. Ltd. & Ors.

For the petitioner: ***Mr, Sudipta Kr. Moitra, Sr. Adv.***
 Mr. Debabrata Banerjee, Adv.
 Mr. Samir Kr. Chakraborty, Adv.
 Mr. Koushik Bhattacharyya, Adv.

For the O.P. Nos. 4 and 5:
 Mr. Ayan Bhattacharjee, Adv.
 Mr. Anirban Dutta, Adv.
 Mr. Tanay Agarwal, Adv.
 Ms. Stuti Baid, Adv.

For the State: ***Mr. Arijit Ganguly, Adv.***
 Ms. Debjani Sahu, Adv.

Heard & Judgment
On ***: 25th November, 2021.***

Bibek Chaudhuri, J.:-

The above noted application filed on behalf of opposite party Nos.4 and 6 is taken up for hearing. At the outset, it is submitted by Mr. Moitra, learned senior Counsel on behalf of the petitioner of the

criminal revision that the said revision was filed with a prayer for setting aside an order dated 10th January, 2018, passed by the Additional chief Judicial Magistrate, Bidhannagar, North 24-Parganas.

It is submitted by Mr. Moitra that the petitioner in spite of all endeavours could not ensure service of summons of Complaint Case No.C-834 of 2016 upon all the accused persons excepting accused No.2.

It is further submitted that during the pendency of the instant revision, accused Nos.4 and 6 have already entered appearance pursuant to the order passed by this Court. At present accused Nos.2, 4 and 6 claiming to be Directors by the petitioner in respect of accused No.1 Company are present. Accordingly, it is submitted that the instant revision may be disposed of setting aside the impugned order and directing the learned Trial Court to proceed with the trial.

Mr. Ayan Bhattacharjee, learned Advocate for the accused/opposite party Nos.4 and 6 submits that he has filed an application for modification of the order dated 9th November, 2021 where a Co-ordinate Bench passed an order directing the learned Additional Chief Judicial Magistrate, Bidhannagar to grant interim bail for a period of 2 weeks or until further orders if the accused persons/opposite parties would appear before the learned Trial Court. The said opposite parties duly appeared before the learned Trial Court and favoured

with an order of interim bail. Now, the said interim bail is required to be confirmed.

On such prayer, Mr. Moitra has not raised any objection.

Therefore, the application being CRAN 1 of 2021 is allowed directing the learned Additional Chief Judicial Magistrate, Bidhannagar to confirm the interim bail granted in favour of the accused Nos.4 and 6/opposite parties.

In view of appearance of accused Nos. 4 and 6/opposite parties, it is submitted by Mr. Moitra under instruction that the impugned order dated 10th January, 2018 may be set aside and the revisional application may be disposed of directing the learned Trial Court to proceed with the trial of Complaint Case No.C-834 of 2016.

Mr. Bhattacharjee, learned Advocate for the above-named opposite parties has raised no objection subject to the caveat that the said opposite parties may be given an opportunity to file an application under Section 205 of the Code of Criminal Procedure for their representation through their learned Counsel.

Considering the submission made by the learned Counsel for both the parties, the instant revisional application is allowed on contest. The order dated 10th January, 2018 passed in Complaint Case No.C-834 of 2016 by the learned Additional Chief Judicial Magistrate, Bidhannagar is set aside.

Parties are directed to take step before the learned Trial Court for trial and disposal of Complaint Case No.C-834 of 2016.

If any application under Section 205 of the Code of Criminal Procedure is filed on behalf of accused Nos.4 and 6/opposite parties, the Court shall dispose of the same in accordance with law without being influenced in any way by the order passed by this Court disposing of the revisional application.

Learned Additional Chief Judicial Magistrate, Bidhannagar is further requested to take all possible steps to dispose of Complaint Case No.C-834 of 2016 as expeditiously as possible.

The parties will act on the server copy of this order.

(Bibek Chaudhuri, J.)