

18.03.2021
tkm/ct 35
sl no. 1

C.R.R. No. 1698 of 2011

In Re : Ashis Roy

.....petitioner

Mr. Sourav Chattejee

..... for the petitioner

Mr. Prasun Dutta

Mr. Aniket Mitra

..... for the State

Ms. D Mitra

Mrs. S Dey

..... for OP no. 2

Parties are represented.

This is an application under section 482 of the Code of Criminal Procedure for quashing of a proceeding being GR case no. 1954/2010 pending before the learned Additional Chief Judicial Magistrate, Alipurduar, Jalpaiguri arising out of Alipurduar P.S case no. 361 of 2010 under sections 420/406/120B/34 IPC.

It is submitted on behalf of the petitioner that the petitioner invested a handsome amount in the company in question and was later appointed as a distributor of the company. He also submits that he resigned from the company on 14th May 2010.

Having considered the submissions of the learned counsels for both the parties and going through the documents placed on record, it appears that there are several disputed questions of fact which are required to be adjudicated in the course of trial. Investigation of the case is still in progress. This is not a fit case where the court can interdict the prosecution and quash the

proceeding at such initial stage. The trial court should weigh the evidence on record in order to come to a conclusion regarding guilt of the accused/petitioner.

Accordingly, CRR 1698 of 2011 is disposed of. Connected application, if any, also stands disposed of.

However, there shall be no order as to costs.

Copy of the order be sent to the learned trial court for information and necessary action.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon usual undertaking.

(Suvra Ghosh, J.)