

Sr.12  
**20-09-2021**  
Subha.  
Court no. 34

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION  
APPELLATE SIDE  
( Via Video Conference )**

**CRR 2431 of 2012**

In the matter of : Suman Bhattacharjee. ....petitioner.

In Re : An application under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure.

The revisional application was preferred against the order dated 21.04.2011 passed by the learned Metropolitan Magistrate, 14<sup>th</sup> Court, Calcutta in connection with Complaint Case NO. C/12041 of 2009 under Sections 406/418 of the Indian Penal Code.

The grievance of the petitioner is that the petitioner was an employee of the Cox and Kings(India) Ltd. The complainant for training of the petitioner had spent certain sum of money on the petitioner and accepted a bond to the tune of Rs.one lakh from the petitioner. A bond was executed by the petitioner and according to the company before expiry of the period which was ensured in the bond, the petitioner left the services without honoring the commitment so executed by way of the bond. As such, the criminal case was preferred under Sections 406/418/420 of the Indian Penal Code and the

learned Magistrate was pleased to issue process under Section 406/418 of the Indian Penal Code.

Having regard to the nature of the allegations made in the petition of complaint by the company, I am of the view that the same is a breach of contract and the complainant should have enforced its right before a civil court. The allegations, prima facie, do not satisfy the definition clause of Sections 406/418 I.P.C. As such, continuance of the same is an abuse of the process of court which if allowed to continue would result in miscarriage of justice.

Thus, this court is of the view that further continuance of Complaint Case No. C/12041/2009 pending before the learned Metropolitan Magistrate, 14<sup>th</sup> Court, Calcutta be quashed.

As none appeared for the petitioner or for the State, this court took the assistance of Mr. Satadru Lahiri, learned advocate to give an independent opinion. The opinion of learned advocate appearing in this matter is appreciated by this court.

All pending applications, if any, in connection with revisional application, are consequently disposed of.

Interim order, if any, is made absolute.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

**( Tirthankar Ghosh, J. )**