

Court No. 33
Item 36
Sk
18.07.2022

CRR 19 of 2016

In Re:- An application under Section 401 read with Section 482 of the Code of Criminal Procedure.

In the matter of:- **Lina Maity & Anr.**
versus
State of West Bengal & Ors

Mr. N.P. Agarwal
Mr. Pratick Bose
...for the State.

None appears on behalf of the petitioners.

The present revision has been filed for quashing of Complaint Case No. 813C/2010 under Sections 420/406/120B of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Howrah.

The brief fact of the case is that the opposite party no.2/complainant filed complaint case before the Chief Judicial Magistrate, Howrah against the petitioners. Upon considering the materials, process was issued under Sections 420/406/120B of the Indian Penal Code. On 8.12.2015 the petitioners prayed for discharge which was rejected by the trial court. Being aggrieved by and dissatisfied with the said proceeding, the petitioners have preferred the present revisional application.

Mr. N.P. Agarwal, learned advocate for the State files status report in compliance to order dated 27.6.2022. Let it be kept with the record.

From the order dated 8.12.2015 it is found that the complainant and two of its witnesses have been examined and

cross-examined in full at the stage of evidence before charge. Subsequent thereto the petitioners approached the trial court for discharge which was rejected. It appears from the report that the case before the trial court is still pending. The question whether Sections 420/120B of the Indian Penal Code would be attracted in the facts and circumstances of the case is squarely matter of question of fact and is to be decided by the trial court on taking evidence.

Accordingly in view of the above, the proceeding before the trial court does not call for any interference.

It is, however, made clear that the observation made herein above shall not have any bearing on the rights and contentions of the parties before the trial court.

The revisional application is dismissed.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)