

20-01-2022
Subha
Item no. 13
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
(Via video-conference)

C.R.R 328 of 2020

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

In the matter of : Hemant Kumar Bhatia & Anr. ...Petitioners.

Mr. Sandipan Ganguly, Sr. Advocate
Mr. Somopriyo Choudhury
Mr. Arunabha Deb
Mr. Ayush Jain
Mr. Matri Prasad Das

....for the petitioners.

Mr. Imtaiz Ahmed
Mrs. Ghazala Firdaus
Mrs. Smita Saha
Ms. Arunima Mukhopadhaya
Mr. Debopam Roy

..... for the opposite party.

The grievance of the petitioners before this court is that the petitioner no. 1 is the Head of the Human Resources and petitioner no.2 is the Chief Finance Officer of M/s. Vedanta Limited having its office at Lanjigarh, Kalahandi, Odisha.

The purpose of presenting the present revisional application relates to the order dated 14th January, 2020 where both of them were directed to be physically present before the court with the salary register of Abhishek Moitra for adducing evidence.

Mr. Ganguly, learned senior advocate appearing on behalf of

the petitioners submits that if the very purpose is for ascertaining the income of the husband/opposite party in the application under Section 125 of the Code of Criminal Procedure, the same could have been done by the learned Magistrate by directing an authorized officer of the company to produce the relevant documents. No specific order has been passed and the learned Magistrate all of a sudden proceeded to issue warrant of arrest against the individuals who were discharging their duties in the company.

Mr. Ahmed, learned advocate appearing on behalf of the opposite party/wife in the revisional application disputes the contentions advanced by the learned advocate for the petitioners.

However, having regard to the purpose for which the petitioners were called by the learned Magistrate before the court which relate to ascertainment of the earning of the husband, I am of the opinion that a proper representative of the company would suffice the purpose and the named officers need not appear before the court.

In course of hearing of the revisional application, Mr. Ganguly, learned senior advocate appearing for the petitioners submits that *Mr. Subrat Kumar Sahu, Head of Establishment Department* will appear before the learned Magistrate with the salary register either on 29th April, 2022 or prior to that before the learned Judicial Magistrate, 4th court, Barrackpore, who would accept the documents, fix another date, if required for oral evidence of the representative of the company(i.e., M/s. Vedanta Limited) and release him. There cannot be any dispute that the revisional application is restricted to the issue of production of documents for ascertaining the

income of the husband.

As such, the order dated 14th January, 2020 issuing warrant of arrest against the petitioner no.1, Hemant Kumar Bhatia and petitioner no. 2, Vikash Binani passed by the learned Judicial Magistrate, 4th Court, Barrackpore is, hereby, set aside.

The learned Magistrate will not ask for their physical appearance in future in connection with the present proceedings once the representative of M/s. Vedanta Limited appears before the court.

With the aforesaid directions, the revisional application being CRR 328 of 2020 is allowed.

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

Interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]