04-05-2022
Subha
Item no.48
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 63 of 2016
with
CRAN 1 of 2016(Old No. CRAN 1536 of 2016)

In the matter of : Jaikishan L Shjewakramani @ Jackie Shevakramani.
.....petitioner.

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

Mr. Pawan Kumar Gupta
Mr. Awadhesh Kumar Rai
Ms. Sofia Nesar
Mr. Santanu Sett
....for the petitioner.

Mr. Anirban Dutta
...for the opposite party no.2.

The revisional application has been preferred challenging the proceedings relating to C. S. Case No. 37875 of 2015 under Sections 406/420/120B of the Indian Penal Code pending before the learned Metropolitan Magistrate, 3rd court, Calcutta.

Mr. Gupta, learned advocate appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in connection with the instant case.

The allegations are that there was a business transaction between the petitioner and the complainant and it was found that the fabrics which were sent were defective and as such the petitioner had to sustain loss. According to the learned advocate the same is a civil dispute which has been converted into a criminal proceedings for pressurizing the petitioner with an ulterior motive.

Mr. Datta, learned advocate for the de facto

complainant/opposite party resists the contentions advanced by Mr. Gupta, learned advocate for the petitioner.

I have considered the submission advanced by the petitioner as well as the complainant/opposite party and I find that the plea taken up by the present petitioner who has been implicated as an accused in the case is a question of fact whether that was prior to the consignment being sent or post consignment having returned.

The terms of agreement between the complainant and the petitioner are not before this court or contended for assessment regarding the fact whether the same happens to be breach of any agreement or breach of trust.

The petitioner approached this court at the initial stage of the case and as such I am of the opinion that at least the evidence before charge should be completed and the same should be considered by the learned trial court. As such, the petitioner would be at liberty to agitate the points canvassed in this revisional application at the stage of consideration of charge. No interference is called for at this stage.

With the aforesaid direction, the present revisional application being CRR 63 of 2016 is disposed of.

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]