

26.04.2022
S.D.
31.

C.R.R. 174 of 2014

**M/s. Kitply Industries Limited & Ors.
Vs.
State of West Bengal & Anr.**

The present revisional application has been preferred challenging the order dated 11.12.2013 passed by the learned Metropolitan Magistrate, 6th Court, Calcutta in Case No. C/15332 of 2011 wherein the learned Magistrate was pleased to issue order of attachment against the petitioner no. 1 and Warrant of Arrest against rest of the accused persons who were allowed to be represented under Section 305 Cr.P.C. and Section 205 Cr.P.C. respectively.

It is reflected from the order dated 20.1.2014 that a Coordinate Bench of this Court was pleased to stay the order dated 11.12.2013 and directed that the learned Trial Court would proceed with the case and the petitioners are to be represented under the provisions of Section 305 Cr.P.C. and 205 Cr.P.C. respectively.

Having regard to the subject matter of the revisional application, I am of the opinion that the issue is restricted to the representation of the accused before this Court. In case, the proceedings are still pending, the learned Court would impose conditions for the provision of Section 205 Cr.P.C., provided proper undertaking is given before the Court regarding their appearance on the date so fixed on which the trial cannot proceed without the appearance of the accused. So far as

the provisions of Section 305 Cr.P.C. are concerned, the learned Trial Court will check the authority of the person representing the company and thereafter allow him to represent under the relevant provision of the Code. As earlier directed if the trial of the case is still pending, the learned Court would take endeavour to complete the same in accordance with the relevant provision of the N.I. Act for completing the trial of such case within a reasonable timeframe.

With the aforesaid observations, the revisional application being C.R.R. 174 of 2014 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)