

Item No.29
Ct.No.34
dc.

C.R.R. 365 of 2021

Senbo Engineering Limited
versus
State of West Bengal & Anr.

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Anirban Dutta,
Mr. Sujit Banerjee,
Mr. Nilay Sengupta ... For the Petitioner.

Mr. Joydeep Roy,
Mrs. Sujata Das ... For the State.

Affidavit-of-service filed in Court today be kept on record.

The subject-matter of this revisional application relates to an order dated 15.01.2021 passed by learned Additional Chief Metropolitan Magistrate-II, Calcutta in Misc. Case No. 95 of 2020.

I do not find any illegality in the order passed by the learned Magistrate so far as it is restricted to an order for investigation is concerned. However, having regard to the plight of the present petitioner, I grant liberty to the petitioner to adduce evidence of the complainant and his supporting witnesses under Section 200 of the Code of Criminal Procedure. The application which was filed in the form of Section 156(3) of the Code of Criminal Procedure before the learned Additional Chief Metropolitan Magistrate-II, Calcutta may be treated as a petition of complaint for the purposes of the case.

The learned Additional Chief Metropolitan Magistrate-II, Calcutta on appreciation of the initial evidence, so deposed under Section 200 of the Code of Criminal Procedure, would take a decision as to whether the provision of Section 202 of the Code of Criminal Procedure is to be invoked. For the said purpose, the learned Magistrate may pass appropriate direction for enquiry/investigation. On receipt of the report, the learned Magistrate would thereafter decide whether the proceedings would progress under Section 204 of the Code of Criminal Procedure or under Section 203 of the Code of Criminal Procedure.

With the aforesaid observations, the revisional application being CRR 365 of 2021 is disposed of.

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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)