

D/L11
14.12.2022
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C.R.R.364 of 2021

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

Jay Prakash Soni
Versus
The State of West Bengal and another

Mr. Sunny Nandy,
Mr. Purnendy Maity.
...for the petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.
...for the State.

Mr. Siddhartha Sharma,
Mr. Rohit Bhattacharya.
...for the opposite party no.2.

The subject matter of challenge in the present case relates to Posta Police Station Case No.15 of 2021 dated 02.02.2021 under Sections 120B/420/406/506 of the Indian Penal Code.

The sum and substance of the allegations are that the complainant supplied different types of gold made jewellery weighing about 859.180 Gms on different occasions from 03.10.2019 to 16.01.2020, but the accused neither paid him for the said gold made jewellery nor refunded the gold jewellery.

The investigation of the case is in progress.

Having regard to the nature of the allegations which is based on the authenticity of the allegations and also the recovery relating to the jewellery, I am of the opinion that issue is based on

questions which cannot be gone into by the High Court while exercising its power under Section 482 of the Code of Criminal Procedure.

Accordingly, CRR 364 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

The petitioner has already complied with Section 41A of the Code of Criminal Procedure.

Having regard to the same, the State is directed not to arrest the petitioner till 31st December, 2022 within which period the petitioner would be at liberty to exhaust his remedies available under the law.

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 of all requisite formalities.

(Tirthankar Ghosh, J.)