

16.08.2022
Item no. 11
Court No.06
S.De.

C.R.R. 316 of 2014

In the matter of : Sanjiv Kumar Tulsian.

.....Petitioner.

None appears on behalf of the petitioner or the State when the matter is called on.

On perusal of the record, it appears that on several previous occasions, none appeared on behalf of either of the parties at the time of call. Hence, without wasting any further time the case is taken up for delivering order in absence of the parties.

This is an application filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 with the prayer for quashing the proceedings in G.R. Case No. 5774 of 2012 arising out of Banarhat Police Station Case No. 379/2012 dated November 23, 2012 under Sections 406 and 409 of the Indian Penal Code. The investigation has ended into filing of charge-sheet in the case on March 31, 2013.

The allegation against the present petitioner relates to defalcations in duly contributing to the Employees Provident Fund or Family Pension Fund being an employer and thus allegedly he has committed a punishable offence under the

Employees Provident Fund Scheme, 1952. After investigation & finding prima facie material against the petitioner, police has submitted charge-sheet against him. The petitioner in this case has challenged the legality and propriety of the said proceeding.

Considering the facts and circumstances of the case and the materials before me, I am of the opinion that the petitioner has not been able to bring forth any sufficient or cogent material in order to substantiate his grounds in this case. Hence, in any considered opinion the present revisional application is liable to be dismissed.

It is, therefore, ordered that the revisional case being C.R.R. 316 of 2014 is dismissed. Interim orders, if any, stand vacated. Applications, if any, stand disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

[Rai Chattopadhyay, J.]