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April 18,
2022
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C.R.R. No.462 of 2013
With
CRAN 1 of 2013 (Old CRAN 1572 of 2013)

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

Mr. Javed Hussain & Anr.
Versus
KCT Trading Private Limited & Anr.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Ms. Sreeparna Das.
...for the State.

The present revisional application was preferred
challenging the order dated 12.12.2012 passed by the learned
Additional District & Sessions Judge, 3rd Fast Track Court, Calcutta
in Criminal Revision No.176 of 2012.

The order reflects that the learned revisional court
directed the learned Metropolitan Magistrate, 5th Court, Calcutta to
issue process against the charge-sheeted accused Jawed Hussain
and Mr. Sankar Das Daga and thereafter to proceed with the case.

Record also reflects that the learned Metropolitan
Magistrate discharged the two accused persons on the ground that
the materials against them seem to be hazy at the time of taking
cognizance of the offences. The revisional court was rightly of the
opinion that in case the court intended to discharge the accused
persons, it was incumbent upon the court to issue notice to the de
facto complainant to resist such discharge. The same having not
been done, the revisional court set aside the order of discharge

passed by the Metropolitan Magistrate.

Being aggrieved, the present revisional application was preferred.

Mr. Mukherjee, learned Public Prosecutor, appears on behalf of the State. Learned Public Prosecutor supports the order passed by the learned revisional court.

Having regard to the subject matter of challenge before this Court so far as the two accused persons are concerned who have been said to be proceeded with by the learned revisional court, I am of the opinion that no interference is called for as the reasons so assigned by the learned revisional court are based on the settled principles of law.

Accordingly, CRR 462 of 2013 is dismissed.

Pending application, if any, is consequently dismissed.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)