

17.06.2022

In the matter of:-

Prerna Kedia Gaba petitioner.

None appears on behalf of the parties.

This is an application seeking order under Section 482 of the Code of Criminal Procedure for quashing of the proceedings of C-10137 of 2014 under Sections 406/120B of the Indian Penal Code pending before the Court of Learned Chief Metropolitan Magistrate at Calcutta.

The brief fact of the case is that on or about June 2011, accused no.1 approached opposite party no.2-complainant for the purpose of extending financial assistance for acquiring 15 nos. of TATA LPS 4018 with trailer and 10 nos. of TATA LPT 3118TC with the assurance that all the terms and conditions of the agreement will be duly complied with. Thereafter the complainant company/opposite party no.2 advanced financial loan in favour of the accused persons and the total amount to be repaid was Rs.7,75,19,943/-. However, in compliance to the agreement entered into by and between the parties neither the EMI nor the loan amount was repaid by the accused persons. On such allegation complaint came into existence and processes were issued against the petitioner and others under Section 406/120B of the Indian Penal Code. Being aggrieved and dissatisfied with the said proceedings the petitioner filed

the present revisional application.

It appears that on examination of complainant under Section 200 of the CrPC and considering the documents submitted in the case, the Trial Court on being primarily satisfied issued process against the accused persons . The factual aspect relates to question of fact which have to be considered by the court after taking evidence. Accordingly, the proceedings initiated does not call for interference.

With the aforesaid observation, the revisional application is thus dismissed.

All connected applications stands disposed of.

Interim orders, if any, stand vacated.

Urgent Photostat Certified copy, if applied for, be supplied to the appellants expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)