

22.04. 2022
item No.21
n.b.
ct. no. 34

CRR 1211 of 2022

**Arrdy Engineering Innovations Private Limited & Ors.
Vs.
Heraeus Technologies India Private Limited.**

Mr. Debasish Roy,
Mr. Syed Shamsheer Ali,
Mr. Sachin Shukla,
Mr. Suryaksh Manot
.....for the Petitioners

Mr. Ayan Bhattacharjee,
Mr. Ranajit Roy,
Ms. Anupama Sahay,
Mr. D. Chakraborty
.....for the opposite party.

Liberty is granted to the learned advocate for the petitioners to correct the cause title.

At the inception Mr. Roy, leaned advocate appearing for the petitioners has restricted his submission to the issue regarding the non-compliance of the provisions of Section 202 of the Code of Criminal Procedure. Learned advocate submits that he is not willing to argue regarding the merits of the allegations made in the petition of complaint.

Mr. Bhattacharjee, learned advocate appears on behalf of the complainant/opposite party.

The certified copy enclosed along with the revisional application reflects that the complaint was filed on December 29, 2021 before the Learned Additional Chief Judicial Magistrate, Barrackpore when the cognizance of the offences were taken and

the case was transferred to the Learned Judicial Magistrate, 4th Court Barrackpore. On 4.1.2022 the learned Judicial Magistrate after examination of the complainant under Section 200 of the Code of Criminal Procedure was pleased to issue process under Sections 420/406/468/471/120B and 34 of the Indian Penal Code. As has been pointed out before this Court that all the accused persons against whom process has been issued are residing outside the territorial jurisdiction of Court at Barrackpore and the provisions of Section 202 of the Code of Criminal Procedure were not been adhered to by the learned Magistrate.

Mr. Bhattacharjee, learned advocate is unable to resist such contention as the legal proposition has been well settled by the Hon'ble Supreme Court in the case of National Bank of Oman Vs. Barakara Abdul Aziz reported in (2013) 2 SCC 488.

Having regard to the settled proposition of law, I am of the opinion that the order dated 4.1.2022 passed by the Learned Judicial Magistrate, 4th Court Barrackpore calls for interference and the same is set aside.

Consequently, CRR 1211 of 2022 is partly allowed.

All pending connected applications, if any are consequently disposed of.

Interim order, if any is hereby vacated.

The warrant of arrest so issued is hereby set aside.

The learned Judicial Magistrate, 4th Court Barrackpore is directed to conclude the process of Section 202 of Code of Criminal Procedure within three months from the date of communication of this order.

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

(Tirthankar Ghosh, J.)