

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**CRR 1242 of 2022
With
CRAN 1 of 2022**

**Sudip Kusarye and Another
-Vs.-
The State of West Bengal & Anr.**

**For the petitioner: Ms. Sreeparna Das
Mr. Hare Krishna Halder
Mr. Koushik Bhattacharya**

For the O.P. No.2 : Ms. Sambrita B. Chatterjee

Item No.05.

Heard & Judgment on: 27.06.2022

Bibek Chaudhuri, J.

The contention of the petitioners is that the petitioners are the Non-Executive Additional Directors of Arcultipore Tea Company.

The complaint under Section 406/420 of the Indian Penal Code being C. S. No. 12247 of 2022 was filed before the learned Chief Metropolitan Magistrate, Calcutta against seven accused persons. Out of them accused No.1 is the company. The present petitioners are the accused Nos. 4 and 5 arraigned in the petition of complaint.

It is submitted by the learned advocate for the petitioner that the petitioners are the Non-Executive Directors of the Company and they joined the Company much later from the date of alleged commission of offence. They are in no way connected with the offence.

It is submitted by the learned advocate for the complainant/opposite party that in the event the petitioners are Non-Executive Directors having no role in the day to day management of the Company at the relevant point of time when alleged offence was committed. Their names may be expunged from the list of the accused persons and the investigation of the case may be proceeded with against others.

It is submitted by the learned advocate for the petitioners that if such order is made, the petitioners have no objection.

In view of the matter, the names of the petitioners be expunged from the list of the accused persons and Complaint Case No. 12247 of 2022 be dropped as against them.

The instant criminal revision along with the connected application are disposed of on contest.

(Bibek Chaudhuri, J.)