

14.11.2022

Sl.No. 87

Ct. 236

Amalranjan

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 1128 of 2011

Tushar Kanti Chowdhury
Vs.
State of West Bengal and anr.

In Re: An application under Section 482 of the Code of
Criminal Procedure, 1973.

In Re: Tushar Kanti Chowdhury ... appellant

Mr. Narayan Prasad Agarwal
Mr. Pratick Bose

...for the State

On 7th September, 2022 the matter when came up for
hearing, none appears for the petitioner and by the order
dated 7th September, 2022 it was made clear that on the
next date of hearing if no one appears on behalf of the
petitioner, the matter will be taken up for disposal on merit.

Today also none is found present on behalf of the
petitioner. Accordingly, I take up this revisional application
under Section 482 of the Criminal Procedure Code for
disposal on the basis of materials available with record.

Briefly stated that Tushar Kanti Chowdhury, the
petitioner herein and the opposite party no. 2 Bharat Hi Tech
Cements Private Limited had a business relation and the
opposite party no. 2. When a dispute arose between them the
matter was referred to an arbitrator following the terms of the
agreement entered into by and between the parties.

In the said proceeding, the opposite party no. 2 submitted a statement of claim. The petitioner herein also appeared and took part in the arbitration proceeding.

The opposite party no. 2 informed the Officer-in-Charge of Purulia police station in writing stating, inter alia, that the petitioner by his act committed breach of trust. As the information disclosed offence cognizable in nature Purulia P.S. Case no. 66 of 2010 dated 22.05.2010 under Sections 420/406 of the Indian Penal Code was registered.

The petitioner was arrested and subsequently enlarged on bail by the learned Sessions Judge, Purulia.

The police after investigation submitted a chargesheet being 171 of 2010 dated 24.12.2010 under Section 420 and 406 of the IPC against the petitioner, Tushar Kanti Chowdhury before the learned Chief Judicial Magistrate, Purulia.

Consequent upon such submission of chargesheet, learned Chief Judicial Magistrate, Purulia, was pleased to fix the date for appearance of the petitioner and to receive the copy of documents.

By filing this application, the petitioner has challenged the very order dated 7th January, 2011 passed by the learned Chief Judicial Magistrate, Purulia and also prayed for quashment of proceeding being G.R. Case no. 500 of 2010.

Since after investigation police submitted a chargesheet, there is every reason to presume the existence of prima facie case against the petitioner. The points raised by the petitioner before this court can very well be argued before the learned Chief Judicial Magistrate at the time of consideration.

In my view, at this stage there is no reason to interfere with the order impugned.

Nothing is on record to suggest that the proceeding pending before the learned Chief Judicial Magistrate, is but a manifestation of abuse of process. The revisional application, in my opinion, is bereft on merit and is dismissed but without costs.

A copy of this order be sent down to the learned trial court for an information and necessary action.

The revisional application CRR 1128 of 2011 and the application, if any, stand disposed of.

The interim order, if any, stands vacated.

All parties are to act on the server copies of this order duly downloaded from the official website of this court.

(Siddhartha Roy Chowdhury, J.)