

04.05.2022

Item No.29
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 743 of 2013

**Reach India Trust & Ors.
versus
Mr Abhijit De**

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

This revisional application was preferred challenging the proceedings arising out of Complaint Case No. C-7392 of 2012 pending before learned Judicial Magistrate, 2nd Court, Alipore wherein the learned Magistrate was pleased to issue process under Sections 403/406 of the Indian Penal Code.

The subject matter of the case relates to an employee being not paid a sum of Rs.81,072/- which was due pursuant to the service rendered by the complainant as stated.

In view of the stage at which the petitioners approached this Court, I am of the opinion that the complainant should be afforded opportunity to adduce evidence in respect of the allegations so made as he has been deprived of his rightful claim. Whether any offence pursuant to such plea is maintainable or not is a question of fact which is to be decided in course of trial. Accordingly, no interference is made.

The revisional application being CRR 743 of 2013 is, thus, dismissed.

Interim order, if any, is hereby vacated.

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

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

(Tirthankar Ghosh, J.)