

02.03.2022

Item No.4
Ct.No.34
dc.

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

**C.R.R. 1295 of 2017
with
CRAN 1 of 2017 (Old No. CRAN 2385 of 2017)
with
CRAN 5 of 2017 (Old No. CRAN 5265 of 2017)
with
CRAN 7 of 2018 (Old No. CRAN 2025 of 2018)
with
CRAN 8 of 2019 (Old No. CRAN 3151 of 2019)
(Via Video Conference)**

**Subodh Chand Bothra & Anr.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing of the proceedings being G.R. Case No. 1758 of 2014 pending before the learned Additional Chief Metropolitan Magistrate, Calcutta arising out of Burrabazar Police Station Case No. 384 of 2014 dated 22.06.2014 under Sections 406/420/506/(Para-II)/120B of the Indian Penal Code and the charge-sheet filed in connection with the aforesaid case.

Mr. Sabyasachi Banerjee,
Mr. Anirban Dutta,
Mr. Abhishek Jain ... For the Petitioners.

Mr. Madhusudan Sur,
Mr. Arijit Ganguly,
Mr. Dipankar Paramanick ... For the State.

Mr. Tarique Quasimuddin,
Ms. Sanchita Chaudhuri ... For the Opposite Party No.2.

This revisional application was preferred challenging the proceedings arising out of Burrabazar Police Station Case No. 384 of 2014 dated 22.06.2014 under Sections 406/420/506/(Para-II)/120B of the Indian Penal Code.

Mr. Banerjee, learned advocate appearing for the petitioners submits that *prima facie* even if the allegations made in the FIR and the charge-sheet are taken as a whole

and are accepted in its entirety to be true, no case is made out under the relevant Sections of the Penal Code for which charge-sheet has been filed before the jurisdictional court.

Mr. Quasimuddin, learned advocate appearing for the private opposite party no.2 draws the attention of this Court to different affidavits filed by the present petitioners before the Hon'ble Supreme Court and submits that the present petitioners have admitted the claim and the complaint vividly states regarding the quantum of amount being transmitted by way of RTGS. Learned advocate further emphasises on the fact that the present is a clear case of deception wherein after receipt of money, the accused persons, in conspiracy with each other, intentionally did not perform their part of the obligations.

Mr. Sur, learned advocate appearing for the State produces the case diary and draws the attention of this Court to the seizure list and submits that there are overwhelming documents which have been collected by the investigating agency in course of investigation which would reflect that the allegations made by the *de facto* complainant are substantiated in the charge-sheet.

Having regard to the contentions advanced by the petitioners, the private opposite party no.2 and the State, I am of the opinion that the case is premature for interference by this Court.

The petitioners would be at liberty to exhaust their statutory remedy before the jurisdictional court.

As the case was registered in the year 2014, learned Magistrate is directed to fix at least one date in a month for the purpose of this case to take the same to its logical conclusion within a reasonable period of time.

With the aforesaid observations, the revisional application being CRR 1295 of 2017 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)