

15.06. 2022
item No.36
n.b.
ct. no. 34

CRR 1735 of 2021
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IA No. CRAN 1 2021

M/s. J. K. Marketing Company & Anr.
Vs.
State of West Bengal & Anr.

Mr. Ranadeep Sengupta,
Mr. Rajib Mullick,
Ms. Sonia Mukherjee,
.....for the petitioners.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh,
.. for the State.

Affidavit of service so filed be kept with the record.

On perusal of the order dated 2.3.2021, I find that the Learned Magistrate after examining the complainant under Section 200 of the Code of Criminal Procedure was pleased to issue process under Sections 420/406/120B of the Indian Penal Code.

The sum and substance of the allegation made in the petition of complaint relates to certain goods being supplied and non-payment of the same.

It has been submitted on behalf of the petitioners that there are admitted payments by way of ledgers which were banking transactions in respect of the bills referred to in the petition of complaint. The petitioners are staying outside the jurisdiction, the Learned Magistrate should have considered the provisions of Section 202 of the Code of Criminal Procedure. Accordingly, the

order dated 2.3.2021 so far as it relates to observations “Hence I am inclined to issue process against the accused persons. Issue summons against the accused persons. Requisites at once”.

The Learned Magistrate would invoke the provisions under Section 202 of the Code of Criminal Procedure and direct the Officer in Charge, Bhawanipore Police Station who would depute an officer of his choice for conducting an enquiry under the said provisions and submit a report. In course of such enquiry, the officer concerned would be at liberty to check the records of the present petitioners regarding payments made in respect of the bills which have been issued.

With the aforesaid observations, CRR 1735 of 2021 is disposed of.

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

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)