

CRR 2003 of 2018
(Via video conference)

In the matter of : Trigger Apparels Ltd.

.....Petitioner

Mr. Ayan Bhattacharjee
Mr. Meghajit Mukherjee

....for the petitioner

The present revisional application was preferred against the order dated 27th February, 2018 wherein the learned Metropolitan Magistrate, 14th Court, Calcutta was pleased to dismiss the complaint being CS No. 1823 of 2015 for non-appearance of the complainant under Section 256 of the Code of Criminal Procedure and acquitted the accused persons.

Mr. Bhattacharjee, learned advocate appearing for the petitioner has relied upon a judgment of the Hon'ble Supreme Court passed in the case of Punjab State Warehousing Corporation, Faridkot Vs. Shree Durga Ji Traders and Ors. reported in (2011) 14 Supreme Court Cases 615 and submitted that this Court while exercising its powers under Section 482 of the Code of Criminal Procedure is entitled to revive the complaint in an offence of such nature where presumption is in favour of the complainant.

I have perused the judgment delivered by the Hon'ble Apex Court which relates to an offence committed against the statutory authority and the offences alleged are under Sections 406 and 409 of the Indian Penal Code.

In the present complaint case, Mr. Bhattacharjee, learned advocate submits that the complaint case was transferred from Coimbatore to Kolkata pursuant to the judgment of the Hon'ble Supreme Court.

Learned advocate for the petitioner also submits that the amended provisions prescribed that such complaint should be reverted back to Coimbatore.

Be that as it may, presently, the complaint has no existence in the eye of law and there is an order of acquittal, the statutory provisions are to be adhered to.

Accordingly, I grant liberty to the petitioner to file an application under the provision of Special Leave to Appeal which could be filed within 15 days from date. The period which has expired during the pendency of the revisional application because of advice given by the learned lawyer, the petitioner should not be penalised for the same.

In view of the aforesaid observations, the revisional application being CRR 2003 of 2018 is dismissed.

Liberty is granted to the petitioner as above to prefer Special Leave to Appeal.

The Department is directed to return the certified copy to the petitioner after the same is replaced by the advocate-on-record of the petitioner by photostat copies.

All parties are to act on the server copy of this order, duly obtained from the official website of this Court.

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

(Tirthankar Ghosh, J.)