

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 2337 of 2022

**Jayanta Das
Vs.
The State of West Bengal & Anr.**

Mr. Kunal Ganguly
Mr. Tirthankar Mukherjee
Ms. Madhurima Sarkar
Mr. Munshi Ashiq Elahi
Mr. Tirupati Mukherjee
Ms. Sucheta Pal

...for the petitioner

Item No.198ML

Heard & Judgment on: 10.08.2022

Bibek Chaudhuri, J.

It is alleged that the petitioner is a landlord of the de facto complainant. The de facto complainant /tenant has defaulted in payment of rent in respect of the tenanted premises in favour of

the petitioner since September, 2020. Eviction notice was duly served upon the de facto complainant through the learned advocate on behalf of the petitioner. After receiving the second eviction notice, the de facto complainant/opposite party has filed a complaint against the petitioner in the jurisdictional police station on 25th November, 2021 on the allegation that the petitioner induced him to deposit a sum of Rs.3 lakhs in a cheat fund sometimes in July, 2012.

The petitioner has filed the instant revision for quashing of the charge sheet filed by the police after investigation.

Prima facie the impugned FIR cannot be said to be false because of the fact that there is a broken relationship between the petitioner and the private opposite party as landlord and tenant. The issue to be decided in the criminal case filed by the opposite party is as to whether the de facto complainant was cheated by false representation, practice of fraud and deception in depositing the money in a particular cheat fund.

Only issue that is to be looked into as to whether the complaint is barred by limitation since the de facto complainant /opposite party made an allegation on 25th

November, 2021 alleging an incident that took place in the month of July, 2012, i.e., approximately about ten years ago.

Under such circumstances, the instant criminal revision is disposed of directing the trial Court to consider as to whether the complaint is barred by limitation and consequent investigation is also bad at the time of consideration of charge against the petitioner.

The petitioner is at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)