

24.11.2022
Item No. 21
BR

CRR 2249 of 2009

In the matter of :Prakash Thakur & Ors.

As none is found present on behalf of the parties , as indicated in the order dated 7th September, 2022 , I proposed to dispose of this application on merit based on materials available with the record.

This revisional application stems out of an application under Section 482 of the Criminal Procedure Code filed by the petitioner for an order of quashment of proceeding being GR Case No. 441 of 2009 before the learned Chief Judicial Magistrate, Hooghly.

Briefly stated Shri Sanjoy Kumar Singh , the opposite party no. 2 filed an application before the learned CJM , Hooghly stating, inter alia that he paid a sum of Rs. 1,00,000/- to Shri Prakash Thakur Pritpal Singh, Sourav Chakraborty of Mohan Motors assured them that they would finance the scorpio car , the petitioner intended to acquire. Having received the said amount those persons started delayed the matter

and ultimately denied to extend any financial support to the complainant. Even they refused to refund the money. The petition of complaint was forwarded to the Officer –in-Charge Chinsurah P.S. under Section 156 (3) of the Cr P C by the learned CJM, Hooghly, Accordingly, Chinsurah P.S. Case No. 94 of 2009 dated 28th April,, 2009 was registered under Section 420/406/506 of the Indian Penal Code. Police took up the investigation. Challenging the very proceeding the accused persons preferred this application under consideration. Upon perusal of materials available on record I do not find any reason to invoke the provisions of Section 482 Cr P C as there is reason to presume the existence of ingredient of offense within the meaning of Section 420/406 of the IPC. The petition is devoid of any merit and is dismissed, however, without costs.

Let a copy of the lower Court record be sent to the learned trial Court for information and necessary action. Applications are also disposed of.

All parties are to act on the server copy of this order duly downloaded.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Siddhartha Roy Chowdhury, J.)