

18.07.2022

Ct. No. 33

CRR 2817 of 2015
CRAN 6 of 2018 (Old No. CRAN 232 of 2018)

In Re:- An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of:- Anil Khemka

...petitioner

None appears on behalf of the petitioner.

The present revision has been filed by the petitioner for quashing of a present complaint Case No. C/42036 of 2013 under Sections 420 and 120B of the Indian Penal Code pending before the learned Metropolitan Magistrate, 16th Court, Calcutta and all subsequent orders including order dated 12.08.2014 passed in connection there with.

The factual matrix of the case is that the opposite party filed a complaint case before the learned Chief Metropolitan Magistrate, Calcutta against the petitioner and one other under Section 420 read with Section 120B of the Indian Penal Code registered as C/42036 of 2013. The learned Chief Metropolitan Magistrate, Calcutta took cognizance of the offence and transferred the case to the learned Metropolitan Magistrate, 16th Court, Calcutta for enquiry and disposal. On 12.08.2014, the complainant was examined under Section 200 of the CrPC on SA and thereafter summons were issued against the accused persons under Section 420 of the IPC.

Being aggrieved by and dissatisfied with the said proceedings, the petitioner has preferred the present revisional application.

It appears from the order dated 12.08.2014 that the learned Metropolitan Magistrate after examining the complainant under Section 200 of CrPC on SA and also taking into consideration the materials on record issued process under Section 420 of the IPC against the accused persons

on the basis of *prima facie* materials. In the aforesaid backdrop, the proceeding before the learned trial Court does not call for any interference.

It is however made clear that the observations made hereinabove shall not have bearing on the rights and contentions of the parties before the learned trial Court. All issues are kept open and the parties would be at liberty to raise the issues at the appropriate stage of trial.

Accordingly, the present revision stands dismissed.

All connected applications, if any, shall stand disposed of.

Interim order, if any, shall stand vacated.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Bivas Pattanayak, J.)