

21.11.2022
Item No.30
BR

CRR 3488 of 2007

In the matter of : **Pramod Chandra Agarwala**

Mr. Debasish Roy, Sr. Advocate
Mr. Kausik Gupta,
Mr. Gourav Khaitan,
Mr. Anirban Tarafdar for the petitioner

Mr. Sandipan Ganguly, Sr. Advocate
Mr. Karan Dudhweawala ,
... for the O.P. No.2

This revisional application assails the order passed by learned Metropolitan Magistrate, 15th Court, Calcutta on 19th May, 2007 in complaint case No. C-354 of 2007 corresponding to T.R. No. 429 of 2007 registered under Section 406/409/420/465/467/468/471 of the Indian Penal Code .

Mr. Debasish Roy, learned senior Counsel representing the petitioner before this Court submits that learned Metropolitan Magistrate while issuing process did not comply with the provisions of Section 202 of the Cr P C as stood amended with effect from 21st June, 2006. I have perused the order it goes without saying that when statute contains a mandate it should be complied in its

letter and spirit which the learned Metropolitan Magistrate, 15th Court has failed to do.

Under such circumstances without getting into the merit of the application filed by the petitioner seeking quashment of the entire proceeding, I am inclined to quash the order dated 19th May, 2007 by which learned Metropolitan Magistrate, 15th Court was pleased to issue process upon the accused persons. Learned trial Court is directed to comply with the provision of Section 202 of the Cr P C and proceed with petition of complaint according to law. The parties will be at liberty to agitate all the points taken in the petition before this Court before the learned trial Court at the appropriate stage.

This criminal revision is, thus disposed of.

It is expected that learned trial Court will take all possible steps to ensure the right of the litigant to have the matter disposed of before a Court of law as expeditiously as possible.

Let a copy of this judgment be send down to the learned lower Court for information and necessary action.

Urgent certified copy, if applied for, be given to the parties on usual undertakings.

(Siddhartha Roy Chowdhury, J.)

