

18.11.2022
Item No.
BR

CRR 3252 of 2008

In the matter of : Abhisekh Jain and another

Mr. Milon Mukherjee, Senior advocate,
Mr. S. Sarkar for the Petitioner

This application is filed for quashment of proceeding being GR case No. 739 of 2008 pending before the learned Additional Chief Judicial Magistrate, Durgapur which arose out of Coke Oven P.S. Case No. 70 of 2008 under Sections 149/420/384/468/444/506/120 B of the Indian Penal Code against Avishek Jain and Subir Jain who are the petitioners before this Court.

Briefly stated agreement was entered into by and between the Harendra Sharma and the petitioners pursuant to which a job of fabrication was given to the complainant on certain terms and conditions. A sum of Rs. 5,00,000/- was given by cheque. After completion of work bill amounting of Rs. 18,75,000/- was raised . But not paid by the accused persons Avishek Jain and Subir Jain. The accused persons disputed such claim by producing certain manufactured documents like challan, bills etc. and started putting pressure upon the complainant to deliver the goods, even they engaged miscreants and got some papers signed with a view to convert those papers as valuable documents and securities. According to the complainant he was induced by the accused persons to do the fabrication job for them and he invested sum of Rs. 18,75,000/- . Had there been no such inducement he would not have invested such substantial amount of Money. This

application under consideration was preferred at the stage of investigation, I do not find any reason to throttle the complainant at a premature stage'. Let police complete the investigation and come to a finding based on materials that can be collected during investigation. However, petitioner shall have the right to challenge the proceeding at any stage thereafter.

The revisional application, in my view, merits no consideration and is dismissed. Interim stay, if any stand vacated. Application, if any, stand disposed of.

Let a copy of the order 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.)