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09.06.2023
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C.R.R.119 of 2023

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

M/s Sridharpur Co-operative Bank Cold Storage
Versus
Union of India

Mr. Jayanta Narayan Chatterjee,
Mr. Nazir Ahmed.
...for the petitioner.

Petitioner has challenged the proceedings arising out of Spe. CBI. ACB. Kolkata Case no. RC0102015A0042 subsequently re-numbered as Special Case No.4 of 2017.

Petitioner is aggrieved by the continuance of the proceedings before the learned trial court. Petitioner approached the court at a stage when it was fixed for consideration of charges.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is ready and willing to tender the amount which is the subject matter of the case. The co-operative society was run by individuals and, as such, the said co-operative society in its capacity could not have been made an accused in the present case. Learned advocate submits that continuance of the proceedings would be an abuse of the process. Many senior citizens who have been implicated in the instant case would unnecessarily suffer, resulting miscarriage of justice.

I have considered the submission of the learned advocate appearing for the petitioner. I have perused the documents

particularly with regard to the claims and the corresponding statement under Section 161 of the Code of Criminal Procedure which do not support the claim in respect of breakdown of machinery for which insurance was claimed.

Be that as it may, I find that the factual circumstances appearing in the case do not call for any interference by this Court. Learned Special Court would proceed with the case in its regular course.

With the aforesaid observations, CRR 119 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)