

11.4.2023
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AB
Ct. No.236

CRR 65 of 2011
+
CRAN 1 of 2013

In the matter of : Todi Investors & Anr..

Mr. Binoy Kumar Panda
Ms. Pushpita Saha

..... for the State

Despite service of notice none is appearing on behalf of the petitioner.

This revisional application is pending for nearly 12 years. I do not find any reason to adjourn the case suo motu. Rather I am inclined to dispose of the revisional application based on the materials available with the records.

This petition under Section 482 of the Code of Criminal Procedure was filed by the petitioner seeking quashment of the proceeding being C case No. 5016 of 2010 under Sections 406/506(2) of the Indian Penal Code pending before the learned 9th Court of Judicial Magistrate at Alipore. It appears that the opposite party No. 2 filed a petition of complaint before the learned Chief Judicial Magistrate, Alipore against Todi Investors partnership firm, Om Prakash Agarwal and Sarwan Kumar Agarwal the partners alleging, inter alia, that the complainant acquired a Tata Make Truck registered as WB-23A-8549 with the

financial assistance from M/S. Tata Motors. He took loan to the tune of Rs.4,00,000/-. The accused No. 1 directed the complainant to bring the vehicle to his garage for the purpose of inspection which was complied with and he left the vehicle in the custody of the petitioner No. 1 who requested the complainant to come on 21st January, 2010. The accused person also obtained signature on some printed forms. The complainant was told that he had to liquidate the loan by 35 installments but without indicating the quantum of money and the accused persons undertook to pay a sum of Rs.1,35,000/- on 21st January, 2010. A cheque of Rs.1,35,000/- was given to the complainant on 20th February, 2010. He deposited the cheque to his banker which was dishonoured with a remark "payment stopped by Drawer". The complainant thereafter requested the accused person to return the vehicle but in vain. His vehicle was not returned, on the other hand he was criminally intimidated and on 9th July, 2010 the complainant informed the office of D.C. Port. Thereafter he filed an application under Section 94 of the Code of Criminal Procedure and ultimately he filed the petition of complaint before the Chief Judicial Magistrate at Alipore. On 24th February, 2011 the revisional application was filed and rule was issued upon opposite party No. 2, the complainant of the said case. A limited stay was granted till 11th April, 2011. Since then matter is pending. In absence of any order of stay since

11th April, 2011, there is every reason to presume that the criminal proceeding has reached its logical conclusion.

The revisional application, in my humble opinion, has become devoid of any merit and is thus dismissed, without any order as to costs.

Copy of the order be sent down to the learned Court below for information and necessary action.

(Siddhartha Roy Chowdhury, J.)