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12.09.2023
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C.R.R.339 of 2023
With
CRAN 1 of 2023

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

Pramod Kumar Eshwa @ Eshwa Pramod Kumar
Versus
The State of West Bengal and another

Mr. Satadru Lahiri
Mr. Md. Musharraf Hossain
Mr. Safdar Azam.
...for the petitioner.

Mr. Somopriyo Chowdhury
Mr. Arunabha Deb
Ms. Ashika Daga
Mr. Matri Prasad Das.
...for the opposite party no.2.

Mr. Sudip Ghosh
Mr. Koushik Kundu.
...for the State.

The revisional application has been preferred challenging the continuance of Special Case No.04 of 2019 arising out of Sagar Police Station Case No.78 of 2019 dated 14.04.2019 wherein the Investigating Authority after completion of investigation has submitted charge-sheet under Sections 409/120B of the Indian Penal Code as well as Sections 37/51/63/65/69 of the Copyrights Act.

The subject matter of the revisional application is restricted to one Pramod Kumar Eshwa @ Eshwa Pramod Kumar who has been described to be Director of Multireach Media Private

Limited.

Mr. Lahiri, learned advocate appearing for the petitioner has relied upon DIR-12 which reflects that the petitioner resigned from the company on 14th December, 2017.

The investigation of the case commenced in the year 2019 in respect of the incident referred to.

Mr. Chowdhury, learned advocate appearing for the opposite party no.2 submits that the period for which the alleged offence has been committed and which is the grievance of the complainant is on and from 1st January, 2018 to 30th September, 2022.

Even assuming the allegations made by Mr. Chowdhury are correct at least the documents which have been produced by Mr. Lahiri prima facie reflects that the petitioner has left the company namely, Multireach Media Private Limited prior to such incident.

Having regard to the same, I am of the opinion that further continuance of the proceedings so far as the petitioner is concerned until and unless any overwhelming materials are brought on record are not liable to be continued.

Accordingly, all further proceedings so far as the present petitioner is concerned in connection with Sagar Police Station Case No.78 of 2019 dated 14.04.2019 including the charge-sheet submitted therein is hereby quashed.

A submission has been advanced on behalf of the complainant that the evidence has already surfaced so far as the

Multireach Media Private Limited is concerned. If in course of evidence of the trial any names surface who were in helm of the affairs of the company, the learned special court would invoke his powers under Section 319 of the Code of Criminal Procedure.

Accordingly, CRR 339 of 2023 is allowed.

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.)