

D/L25
11.10.2023
Bpg.

C.R.R.553 of 2023

In Re: An application under Section 397/401 read with Section 482 of the Code of Criminal Procedure, 1973;

N.S. (North 24 Parganas) Realty Private
Limited and others
Versus
State of West Bengal and another

Mr. Snehashis Sen
Mr. Abhishek Banerjee.
...for the petitioners.

The present revisional application challenges the continuance of C.S. 53183 of 2022 which is a proceeding under Section 25 of the Payment and Settlement Systems Act, 2007 pending before the learned Metropolitan Magistrate, 3rd Court, Calcutta.

There are two issues which have been canvassed by the learned advocate appearing for the petitioners; firstly, regarding the non-compliance of Section 202 of the Code of Criminal Procedure and secondly, the order dated 26th August, 2022 wherein warrant of arrest was issued against the present petitioners.

I have considered the submissions advanced on behalf of the petitioners and I find the exhaustive manner in which the learned Magistrate has conducted the proceedings under Section 200 of the Code of Criminal Procedure. Mere non-recording of the phrase “postponement of issuance of process” or Section 202 of the Code of Criminal Procedure do not deter regarding the reflection of a prima face offence being made out.

Records reflect that the warrant of arrest was issued on

26th August, 2022. Steps have been taken before the learned Magistrate. Subsequently, the revisional application was pending before this Court without any order.

Having regard to the issues so canvassed by the petitioners, I am of the opinion so far as the first issue regarding Section 202 of the Code of Criminal Procedure is concerned, the learned Magistrate has satisfied himself that the petitioners are not falsely implicated in this case and as such, issued summons against them and the provisions of Section 202 of the Code of Criminal Procedure has been complied with.

Learned advocate submits that the application under Section 205 of the Code of Criminal Procedure is pending before the learned Metropolitan Magistrate, 3rd Court, Calcutta.

Learned Metropolitan Magistrate, 3rd Court, Calcutta will consider the same in accordance with law without insisting on physical appearance of the present petitioners.

With the aforesaid observations, CRR 553 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.)

