

13.09.2023

Item No.28
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 596 of 2023

In the matter of : **Parijat Roy & Ors.** ... Petitioners.

Md. Sabir Ahmed,
Md. Abdur Rakib ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Pravas Bhattacharya,
Mr. Mirza Firoj Ahmed Begg ... For the State.

Learned advocate appearing for the petitioners is directed to serve copy of this revisional application upon Mr. Mirza Firoj Ahmed Begg, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

The present revisional application has been preferred challenging the continuance of Budbud Police Station Case No. 120 of 2022 dated 02.09.2022 under Sections 447/448/323/325/506/34 of the Indian Penal Code.

The main thrust of contention of the petitioners is that the complainant was removed from the Board of Directors by a resolution and the petitioners have cleared all the dues to the bank after the same was declared to be a non-performing asset and proceedings under Securitization Act commenced. It has also been contended that the shares, which the complainant was holding, have been transferred and the present case has been initiated with a malafide for establishing the claim on the Cold Storage to which the complainant has no moral claim. Different documents have been enclosed along with the revisional application. The veracity of the said documents is to be tested.

I have considered the submissions of the learned advocate for the petitioners and taken into account the nature of the intrinsic value of the documents, which have been enclosed, I am of the opinion that the same are to be tested in course of the investigation as most of the documents cannot be stated to be of sterling quality or unimpeachable character. The police authorities will test the same regarding their genuineness and the intrinsic value and thereafter arrive at their conclusion. If the police authorities, on conclusion of the investigation, are of the opinion that the disputes complained of do not come within the ambit of criminal offences, the police authorities will be at liberty to file their report under Section 173 of the Code of Criminal Procedure. But, at this stage, when the case is still under the process of investigation, the Court will not endeavour to enter into the truth or falsity of the allegations.

With the aforesaid observations, the revisional application being CRR 596 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)