

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 616 of 2016

Kenichiro Hibi
Vs.
The State of West Bengal & Anr.

Mr. Vipul Kundalia
Mr. Anurag Roy
Ms. Uneaza Ali
... For the petitioner

Mr. Pratick Bose
... For the State

1. From the report of the department, it is found that notice was duly served upon the opposite party no.2 who is absent on call today.
2. Learned advocate on behalf of the petitioner appears and has contended that the revisional application has been filed against the petitioner of this revisional application without any specific allegation. In support of such contention, he referred to the complaint lodged under Section 200 of the Code of Criminal Procedure.
3. The background of this case is that the opposite party no.2 purchased one music system of Sony Brand in the year 1999, particularly on 4th September, 1999 and on 27th January, 2015 he went to the other accused nos.2 and 3 at Neosa Electronics Pvt. Ltd. with his said music system for handing over the same. The complainant was compelled to wait for long time but no repairing work was done. The complainant noticed that the accused nos.1 and 2 intended to take out some parts of the music system dishonestly. All on a sudden, both the accused nos.1 and 2 started shouting at

him with filthy languages and he was also assaulted with kicks and blows. According to the complainant, the accused nos.1 and 2 committed the act for wrongful gain with the conspiracy of accused no.3 (the only petitioner of this revisional application).

4. On receipt of such compliant, the learned Chief Judicial Magistrate, Alipore, South 24-Parganas, took cognizance of the offence and transferred the same to the Court of the learned Judicial Magistrate, 8th Court, Alipore, South 24-Parganas for SA and disposal.

5. On careful scrutiny of the entire complaint under Section 200 of the Code of Criminal Procedure, I do not find any single specific allegation against the petitioner (accused no.3). Therefore, on a plain reading of the written complaint under Section 200 of the Code of Criminal Procedure, no prima facie case appears to have been made out against the petitioner/accused no.3.

6. Therefore, the proceeding in connection with Complaint Case No.1372 of 2015 pending before the Court of the learned Judicial Magistrate, 8th Court, Alipore, South 24-Parganas, stands quashed against the petitioner **only**.

7. With the aforesaid observation, the revisional application stands disposed of.

8. Interim order, if there be any, stands vacated.

9. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)