

11 06.12.
Ct 2023
237
rup

CRR 631 of 2016
IA NO: CRAN 11 of 2019 (Old No: CRAN 3556 of 2019)
Magna Multimedia Solutions Pvt. Ltd. & Anr.
Vs.
Sam International Infotech & Anr.

Mr. Debasish De,
Ms. Debanjana De.

... for the petitioner.

1. Affidavit of service is filed showing service of notice upon the opposite parties.
2. None appears on behalf of the opposite parties.
3. This revisional application assailed the proceeding being Complaint Case No. C/25749 of 2011 pending before the learned Metropolitan Magistrate, 16th Court, Calcutta, with a prayer for quashing the same.
4. Ms. Debanjana De, learned advocate appearing on behalf of the petitioners is present and submits that the complaint in connection with this case did not attract any offence either punishable under Section 420 or 406 of the Indian Penal Code. In support of that contention she has referred to the documents annexed with the application.
5. Briefly stated, the case was originated on an application under Section 200 of the Criminal Procedure Code alleging, inter alia, that the complainant/ proprietorship company under the name

and style of Sam International Infotech supplied goods to the accused company, Magna Multimedia Solutions Pvt. Ltd. represented by opposite party no.2 and 3 but no payment was made against those goods by the accused company.

6. Learned Metropolitan Magistrate, 16th Court, Calcutta forwarded the same to the Officer-In-Charge of Bowbazar Police Station for enquiry. Accordingly the enquiry report was submitted by one B. Bag, S.I. of Bowbazar Police Station stating, inter alia, that during enquiry, it was revealed that complainant supplied some defective goods and for that reason accused company did not pay the rest amount and regarding that issue there were several communications between them.
7. From the bank statement, it is found that on 20th August, 2010 a sum of Rs.3,00,000/- was paid to the Sam International Infotech.
8. However, on receipt of enquiry report, learned Metropolitan Magistrate, 16th Court, Calcutta took cognizance of the offence under Section 406/34 of the Indian Penal Code though learned Magistrate did not find any reason to take cognizance under Section 420 of the Indian Penal Code.
9. On careful scrutiny of the entire petition of complaint, I find that there was a business transaction for supplying goods between the parties and from the

bank statement of petitioners/company, I find that on 20th August, 2010 part payment was made and that was farther ratified by the enquiry report submitted by S.I of police attached to the Bowbazar Police Station.

10. Given facts and circumstances, I find hardly any ingredience of initial deception within the meaning of Section 420 of the Indian Penal Code or any entrustment within the meaning of Section 406 of the Indian Penal code as it is revealed from the enquiry report by the Bowbazar Police Station that OP/company supplied defective goods for which the rest payment was not paid.
11. The allegation being civil in nature cannot, in my opinion, attract any criminal offence either under Section 420 or 406 of the Indian Penal Code.
12. In that view of the matter, the proceeding in connection with Complaint Case No. C/25749 of 2011 is liable to be quashed.
13. Accordingly, the proceeding in connection with Complaint Case No. C/25749 of 2011 stands quashed.
14. With the observation, the revisional application stands disposed of.
15. All pending applications, if there be any, also stand disposed of.
16. Interim order, if any, stands vacated.
17. All parties to this revisional application shall act on the server copy of this order downloaded from the

official website of this Court.

18. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Bibhas Ranjan De, J.)