

06.02.2023
Item No. 13
BR

CRR 900 of 2011

In the matter of: Soumik Chattopadhyay

..... petitioner

Mr. N.P. Agarwal,
Mr. P. Bose,

.... for the State

None is appearing on behalf of the petitioner. The criminal revision is pending since 2011.

Under such circumstances instead of adjourning the matter further, I am inclined to dispose it on merit based on materials available with the record.

By filing this application under consideration the petitioner is seeking an order of quashment of proceeding being Baguihati P.S. Case No. 498 of 2010 dated 9th November, 2010 under Sections 420/406/120B of the Indian Penal Code.

Briefly stated, one Sanjoy Kumar Rai, the Secretary of M/s. Brand Value Communications Limited informed the Officer-in-charge of Baguihati P.S. in writing that the petitioner before this Court was entrusted with certain job as creative producer and for that he was paid a sum of Rs. 6,38,182/- by M/s. Brand Value Communications Limited to work for the channel 'Rupasi Bangla' but Mr. Soumik Chattopadhyay, the creative producer did not discharge his duty and obligation in terms of the agreement and started working with M/s. Shri

Venkatesh Films Private Limited and it was a conscious decision.

Upon perusal of materials, particularly annexure-P13, I find that the petitioner Soumik Chattopadhyay has taken out an application under Section 9 of the Arbitration and Conciliation Act, 1996 before the Competent Court of law, which is a pointer to hold that the dispute is civil in nature. There is no ingredient of offence within the meaning of Section 405 or 415 of the Indian Penal Code. While admitting the application for revision on 28th April, 2011 Co-ordinate Bench directed the police authority to continue with the investigation but the report in final form will not be submitted without the leave of the Court. It is expected that in course of time the police has finished the investigation. There is no ingredient of offence to saddle the accused person, who is the petitioner before this Court with criminal liability. It is a civil dispute. The criminal proceeding pending before learned Jurisdictional Magistrate corresponding to Baguihati P.S. Case No. 498 of 2010 dated 9th November, 2010 stands quashed.

The criminal revision is thus allowed.

With this observation the criminal revision is disposed of.

Copy of this order be sent down to the learned trial Court for information and necessary action.

Urgent certified copy, if applied therefore, be supplied upon compliance of usual formalities.

(Siddhartha Roy Chowdhury, J.)