

27-07-2023
Subha
Item no. 7
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1245 of 2022

Purushottam Kumar Bajaj
-versus-
Aditya Birla Finance Limited & Ors..

Mr. Purnasish Gupta
Mr. Jayanta Kumar Mukhopadhaya
....for the petitioner.

Mr. Debayan Bhattacharya
Mr. Manish Biswas
Mr. Mahiul Islam
Mr. Amar Singh
...for the Opposite party nos. 1,2, & 3.

The subject matter of the revisional application relates to the order dated 5.1.2022 passed by the learned Judicial Magistrate, 6th Court, Howrah in connection with complaint case being 438C of 2020 under Sections 420/506/120B of the Indian Penal Code.

The background of the case is that a complaint was filed against Aditya Birla Finance Limited, a Non Banking Financial Company, the Managing Director of the said company and the Relationship Manager of the said company. Admittedly, the complainant had taken loan from the said company.

The grievance of the complainant was that there are extra charges of interest as well as there are repeated telephone calls in spite of the whole of the loan account being refunded and no due certificate being issued.

The learned Magistrate referred the matter for enquiry

under Section 202 of the Code of Criminal Procedure and an enquiry was conducted by Sub-Inspector of Police attached to Liluah Police Station. The learned Magistrate after considering the enquiry report exercised his powers under Section 203 of the Cr.P.C and dismissed the complaint.

I have perused the order passed by the learned Magistrate dated 05.01.2022 and considered the reasons which weighed with the learned Magistrate while arriving at its findings.

The very basics on which the criminal case was initiated according to this court may be a case for damages, for which the petitioner is at liberty to approach the appropriate forum but no criminal offence has been made out, more so, under Section 506 and 420 of the Indian Penal Code.

Accordingly, the order passed by the learned Judicial Magistrate, 6th court, Howrah in complaint case no. 438C of 2020 is hereby affirmed.

Consequently, the revisional application being CRR 1245 of 2022 is dismissed.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

