

CRR 922 of 2009

In the matter of : Pulak MukherjeePetitioner

Mr. Milon Mukherjee, Sr. Adv.
Mr. Sandipan Ganguly, Sr. Adv.
Mr. Debangau Bhattacharya ...for the Petitioner

Mr. B.K. Roy
Ms. Rita Dutta ...for the State

Affidavit of service filed by the petitioner is taken on record.
The notice sent to the defacto-complainant, returned unserved.

Heard Mr. Mukherjee, learned senior counsel for the petitioner. My attention is drawn to the first information report. It is submitted that the alleged offence took place between 31st October, 2008 and 23rd December, 2008 when the petitioner, Mr. Pulak Mukherjee was in no way connected with the said office of Magma. He assumed charge on 1st February, 2009 but he has been saddled with the criminal liability.

Heard Mr. Roy, learned counsel for the State. Since it appears that at the relevant point of time, said Pulak Mukherjee was not associated with the Siliguri branch of Magma and he took over charge on 1st February, 2009, by any stretch of imagination, he cannot be held to be culpable for committing offence as alleged. Therefore, the criminal proceeding cannot continue against Mr. Pulak Mukherjee, the petitioner by name.

With this observation, the criminal revision is disposed of.

Urgent photostat certified copy of this order, duly applied for,
be given to the parties upon compliance of all requisite formalities.

(Siddhartha Roy Chowdhury, J.)