

16.05. 2023
Item No.21
Ali
Ct. no. 551

CRR 1329 of 2017

Amit Kumar Santra
Vs.
State of West Bengal & Anr.

Mr. Altaf Hossain,
Mr. S.K. Humayan Reza

... for the petitioner.

Mr. Atis Kumar Biswas,
Ms. Jyoti Agarwal

.....for the opposite party no. 2.

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose,

.... for the State.

The instant criminal revision has been preferred for quashing a proceeding being Nabadwip Police Station Case No. 11 of 2016 dated 15.01.2016 under Sections 420/406 of the Indian Penal Code now pending before the learned Judicial Magistrate, 1st Court, Nabadwip, Nadia wherein charge sheet has been submitted against the present petitioner under Sections 420/406 IPC.

The brief fact of the case is that one application under Section 156(3) of the Code of Criminal procedure was filed by the present opposite party No. 2 against the present petitioner before the learned Judicial Magistrate, 1st Court, Nabadwip, Nadia. After receiving, the same was forwarded to the concerned Police Station for investigation by treating the petition to be an FIR.

The police conducted investigation and investigation was ended in charge sheet against the present petitioner under Section 420/406 of the Indian Penal Code.

Hence the criminal revision for quashing.

Learned advocate for the petitioner submitted before this court that there are standing commercial disputes between the parties and the present opposite party has dragged the commercial dispute in criminal motion. He further submits before this court that one specific application was preferred by the opposite party before the concerned Consumer Disputes Redressal Forum which was turned down. So he submitted that the false case was filed against the present petitioner. Thus at this juncture, the criminal proceeding is liable to be quashed.

Learned advocate appearing on behalf of the opposite party submitted before this court that the present petitioner has severally cheated the opposite party and squeeze huge amount of money. He further pointed out that several times the present petitioner disclosed his identity differently; once to be a partner and another time to be an expert engineer, being a research fellow. He further pointed out that the present petitioner has obtained an order of anticipatory bail from this Hon'ble court by citing a false document against which appropriate Civil Case has been initiated. Learned advocate for the opposite party also submitted that another criminal proceeding was also initiated for the subsequent criminal action of the present petitioner. So, he prayed for dismissal of the instant criminal revision.

Learned advocate for the State submitted Memo of Evidences alongwith Case Diary. He submitted that police took up the investigation, during the course of investigation several witnesses were examined, their statements were recorded under Section 161 of the Code of Criminal Procedure. Several documents were seized during the course of investigation by a proper seizer

list. After thorough investigation the Investigation Officer finds prima facie materials against the present petitioner thus filed a charge sheet. Learned advocate for the State submitted that at this juncture there were several materials glaring against the present petitioner regarding his involvement in the alleged offence so at this juncture the criminal proceeding cannot be quashed.

Learned advocate for the petitioner submitted a information slip received from the court of learned Judicial Magistrate, Nabadwip, contending inter alia, that the date was fixed for framing charge of this case on 22.09.2023.

Heard the learned advocate and perused the Case Diary.

The instant case was initiated on the basis of a petition of complaint filed by the present opposite party No. 2 under Section 156(3) CrPC. The investigation was conducted. During the course of investigation, several materials were collected and charge sheet was submitted against the present petitioner. It is observed that there are prima facie materials regarding involvement of the present petitioner on the alleged offence. The learned advocate for the petitioner has not assigned any reason to dispute or deny the prima facie materials so collected by the State during the course of investigation.

This court is in the seisin of criminal revisional jurisdiction. At this stage, the court is not permitted to hold a mini trial. The merit of the materials of this case cannot be considered before trial.

Considering the same, I find no justification to entertain the criminal revisional application for quashing the present criminal proceeding against the present petitioner.

Thus, I find no merit and the instant criminal revisional application being CRR 1329 of 2017 is dismissed.

Any order of stay passed by this Court during the continuation of the instant criminal is also vacated.

All connected applications, if pending, are also disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Parties to act upon the server copy and urgent certified copy of the order be received from the concerned Dept. on usual terms and conditions.

(Subhendu Samanta, J.)