

CRR/1779/2011
SUJIT AGARWAL
VS
STATE OF WEST BENGAL & ANR.

ssd

Mr. Subham Kanti Bhakat

...for the petitioner.

This revisional application challenges the proceeding in GR Case No.501 of 2008 arising out of Suri Police Station Case No.164 of 2008 dated 14th August, 2008.

Briefly stated that Swapan Kumar Bose, owner of Modern Enterprise, filed a petition of complaint before the learned Chief Judicial Magistrate, Birbhum against the accused persons alleging, inter alia, that the complainant placed four vehicles on hire to the accused for the use of the accused person and an agreement was executed by and between the parties on 1st October, 2004. It was clearly spelt out that the accused person would pay a sum of Rs.90,300/- per month to the complainant and after two years he would return the vehicles but the complainant did not pay the hire charges and deserted the vehicles in a very bad shape. The information since disclosed ingredient of cognizable offence, Learned Judicial Magistrate forwarded the petition of complaint to the jurisdictional police station and Suri Police Station Case No.164 of 2008 was registered.

Sujit Agarwal, the accused person filed this application under consideration.

Mr. Subham Kanti Bhakat, learned advocate for the

petitioner with all fairness submits that the petition was admitted on 20.07.2011 but no order of stay was granted, as a result, police submitted charge-sheet. From the order dated 22.2.2012 it appears that the charge-sheet has been submitted against the petitioner. Thus there is reason to presume that the trial has commenced.

Therefore, I am not inclined to invoke the provision of Section 482 of the Code of Criminal Procedure at this stage.

This revisional application has practically become infructuous and is disposed of with liberty to the petitioner to take all points, taken in this application, before the learned Trial Court.

Copy of the order be sent to Learned Trial Court for information.

(Siddhartha Roy Chowdhury, J.)