

12-04-2023
Subha
Item no. 12
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 1649 of 2009
(Assigned)

Magma Srachi Finance Ltd. & Ors.
-versus-
The State of West Bengal & anr.

Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Milon Mukherjee, Sr. Advocate
Mr. Sandipan Ganguly, Sr. Advocate
Mr. Debangan Bhattacharjee
Mrs. Manaswita Mukherjee

...for the petitioners.

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose

...for the State.

Mr. Mukherjee, learned senior advocate appearing on behalf of the petitioners submits a Photostat copy of the document which reflects that a sum of Rs.50,000/- has been deposited by demand draft bearing no. DD-517602 dated 04-08-2022 with the High Court Legal Services Committee, Calcutta. As such, the order dated 20th July, 2022 passed by this court has been complied with.

The subject matter of the complaint relates to re-possession of a vehicle bearing no. WB-29/5430 by the financier for which the opposite party no. 2 initiated a complaint case and the learned Magistrate after taking cognizance was pleased by an order dated 16.12.2008 issue process under Sections 323/384 of the Indian Penal Code.

Having regard to the settled proposition of law in respect of the vehicle being repossessed under higher purchase agreement as set out

by the Hon'ble Supreme Court in the case of *Sardar Trilok Singh & Ors. –vs- Satya Deo Tripathi* reported in (1979) 4 SCC 396, I am of the opinion that further continuance of the present proceedings would be an abuse of the process of law.

Accordingly, all further proceedings arising out of CR Case No. 719 of 2008 under Sections 323/384 of the Indian Penal Code pending before the learned Judicial Magistrate, 1st Court, Tamluk so far as the present petitioners are concerned are hereby quashed.

Thus, the revisional application being CRR 1649 of 2009 is allowed.

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]