

03-05-2023
Subha
Item no.54
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1700 of 2021

Dibyendu Modak
-versus-
The State of West Bengal

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

Mr. Md. Abdul Halim
...for the petitioner.

Mr. Joydeep Roy
Ms. Sujata Das
....for the State.

Learned advocate for the petitioner submits that the petitioner happens to be an authorized agent of YES Bank Limited which was established for exchanging money under the name of Payworld and as such was performing essential duties for which exemption was provided at the relevant period of time when the order of the Chief Secretary was in force during the period of pandemic.

As chargesheet has already been submitted, I have perused the list of witnesses wherein six of the witnesses who have been cited to support the prosecution cases are all witnesses belonging to the police department.

In view of the contentions so raised and the petitioner claims that he was enjoying an exemption for an essential service, I direct that the petitioner would at the stage of Section 239 of the Code of Criminal Procedure pray before the learned Magistrate for considering the said documents which have been downloaded from

the official website. If the learned Magistrate on appreciation of the said documents is of the opinion that the petitioner was enjoying exemption and had the Authority to keep the counter open, in that case the learned Magistrate would discharge the petitioner. In the alternative the learned Magistrate would frame charges and proceed with the trial of the case.

With the aforesaid observations, the revisional application being CRR 1700 of 2021 is disposed of.

All 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]