

26.06.2023
Ct. No. 34
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C.R.R. 2275 of 2023

In Re : An application under Section 482 read with Section 401 of the Code of Criminal Procedure.

And

In Re : Kaya Blenders & Distillers & Anr.petitioners

Mr. Mohit Gupta
Mr. Soumya Ghosh
..... for the petitioners

Ms. Baisali Basu
..... for the State

Learned Counsel for the petitioners is directed to serve copy of this application to Ms. Baisali Basu, learned Counsel, who ordinarily appears on behalf of the State. Her appointment may be regularised by the concerned authorities.

Learned Counsel appearing for the petitioners draws attention of the Court to paragraph 3 of the revisional application and submit that already demand notice was served on 07.09.2019 and suppressing such fact, application under Section 156(3) of the Code of Criminal Procedure was filed before the learned Magistrate and the learned Magistrate was pleased to direct the Officer-in-Charge, Laketown Police Station to conduct investigation into the offence.

I have considered the contentions of the petitioners as also the nature of allegations appearing in the application under Section 156(3) of the Code of Criminal Procedure. So far as the contentions of the present petitioners are that the substance of the alleged offence relates to the recovery of the amount which

was paid to the said account giving rise to the criminal proceedings. According to the petitioners other allegations which have been made are for the purpose of settling the dispute for recovery of money and for invoking of the jurisdictional court under Section 156(3) of the Code of Criminal Procedure.

Having regard to such contentions, I am of the view that as the investigation has commenced the allegations made in the FIR at this stage cannot be held to be true or false, it is for the investigating agency to find out the same. However, if the petitioners are served with a notice or they approach the investigating agency with the documents which are in their custody relating to the other proceeding or any remittance, in that case investigating officer would test the veracity of the same in the background of the fact whether the criminal case has been made out or not.

With the aforesaid observations the revisional application being CRR 2275 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

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

(Tirthankar Ghosh, J.)

