

06-06-2023
Subha
Item no.65
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2475 of 2022

Samar Das .
-versus-
State of West Bengal & Ors.

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

Mr. Avirup Chatterjee
.for the petitioner.

The present revisional application has been preferred challenging Case No. CS 13318 of 2022 pending before the learned Metropolitan Magistrate, 4th Court, Calcutta.

Learned advocate for the petitioner submits that the petitioner has already filed his contentions before the National Company Law Tribunal wherefrom it would be clear that the petitioner is no more responsible and in charge of the said Nirnoy Hospitals Pvt. Ltd.

Learned advocate for the petitioner further submits that the petitioner has been illegally removed and his powers have been withdrawn.

After considering the submissions advanced on behalf of the petitioner, I have perused the documents, which have been enclosed along with the revisional application, but I am not satisfied regarding the quality of the documents, which

according to me, cannot be tested without any cross-examination.

Learned advocate for the petitioner submits that there is a possibility of documents of unimpeachable character in the nature of Form 32 or the relevant form of the Ministry of Corporate Affairs which would reflect the status of the present petitioner. In case such a document is available, the learned Magistrate at the stage of Section 251 of the Code of Criminal Procedure would allow the petitioner to place such document, assess the same and if he is convinced he would discharge the petitioner.

With the aforesaid observations, the present revisional application being CRR 2475 of 2022 is disposed of.

All Pending applications, if any, are disposed of accordingly.

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]

