

27.04.2023
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SB
Ct. No.236

CRR 2563 of 2011

In the matter of : Shoba K. Mani & Anr.

Mr. S.G. Mukherjee, Ld. P. P.
Mr. B.K. Panda
Mr. Subham Bhakat ... for the State

Pursuant to the order dated 04.4.2023, Mr. Panda, learned counsel appearing on behalf of the State submitted that he had informed learned counsel representing the petitioners.

None is appearing on behalf of the petitioners.

Under such circumstances, considering the age of this lis, I am not inclined to adjourn the matter *suo moto*, rather I am inclined to dispose of the matter on merit based on materials available with the record.

Briefly stated, the opposite party no.2 filed a petition of complaint before the learned Additional Chief Judicial Magistrate, Barrackpore stating *inter alia* that she used to work for gain as senior officer in the operation department of Northeast Shuttler (P) Limited. The company refused to pay his salary. On 03.5.2010 at 11.00 A.M. when he went to the office of the Northeast Shuttler (P) Limited in order to meet the officials, he was assaulted by Shoba K. Mani and Phizo Nath Nepali. He approached the jurisdictional police station to report the matter. Police instead of registering a case took note of the fact vide G.D. Entry No. 153 dated 03.5.2010 of Airport Police Station.

Learned Additional Chief Judicial Magistrate, Barrackpore forwarded the petition of complaint to the jurisdictional P.S. and Airport P.S. Case No. 171 of 2010 was registered on 11.7.2010 under Sections 417/323/379/506/34 of the Indian Penal Code.

From the petition under consideration, I find that police took up investigation which culminated into submission of charge sheet No. 237 dated 30.9.2010. This fact indicates prima facie existence of offence within the meaning of Penal Code. Therefore, in my opinion, this is not a fit case to invoke the provision of Section 482 of Cr.P.C.

The revisional application is dismissed without any order as to costs.

Interim order of stay, if any, stands vacated.

Copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)