

16-08-2023
Item no.27
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR No.2958 of 2023
Vinay Vinod Kumar

-vs-

The State of West Bengal & Anr.

Mr. Pratim Priya Dasgupta
Mr. Touseef Ahmed Khan
Mr. Swaraj Shaw
Mr. Nishant Shukla
Mr. Abhishek Jhunjhunwala ...for the petitioner

Mr. Anwar Hossain
Ms. Ratna Ghosh ... for the State

The petitioner shall serve a copy of the instant revisional application upon learned advocate Mr Anwar Hossain, who usually represents the State. His appearance may be regularised by the concerned authority.

Learned advocate for the petitioner submits that no due certificate was granted after the petitioner resigned from the company. He further submits that after resignation this case was instituted by the complainant. The investigating authorities surprisingly submitted charge-sheet under sections 420/500 IPC. Learned advocate also submits that regarding the applicability of the sections concerned in the background of the facts of the case, the petitioner approached this court at a stage when the charge-sheet was submitted though documents under section 207 CrPC are yet to be supplied to the accused.

It has been further submitted that the present petitioner had no fixed salary during his employment and the said amount was regularly being adjusted while in course of remitting such salary. There was no due salary and as such no due certificate was granted.

There is nothing on record in the revisional application which

would reflect that the same prayer was in the notice of the investigating officer.

Having regard to the facts that the documents under section 207 CrPC on which investigating agency arrived at a finding that a case has been made out and the fact that the petitioner is of the opinion that no case is made out, I am of the view that the same cannot be adjudicated at this stage.

The petitioner would be at liberty to take out an application under section 239 CrPC, after receipt of the copies under section 207 CrPC, before the learned trial court or the court in seisin of the matter. The court at the stage of consideration of charges would arrive regarding the proposition of fact advanced by the petitioner along with all the issues which have been canvassed in the revisional application. Needless to state that the learned trial court would independently arrive at its finding without being influenced by any observations made by this court.

With the above observations, CRR No.2958 of 2023 stands disposed of.

Pending application, if any, is also disposed of.

Parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Tirthankar Ghosh, J]

