

29.08.2023
AD -46
Ct. 34
dc./bpg.

CRR 3230 of 2023

M/S Tantia Construction Ltd
-versus-
Jaya Rajkumar Gandhi

Mr. Ayan Bhattacharjee
Mr. Aditya Ratan Tiwari
Mr. Suman Majumdar

... for the petitioner.

The subject matter of challenge before this Court relates to continuance of proceedings of case No.CS/32328/2015 so far as company is concerned in view of the orders dated 13.03.2019 and 24.02.2020.

An application should be filed on behalf of the individual representing the company before this Court.

If such an application is made before the learned Metropolitan Magistrate, 18th Court, Calcutta, the learned court would decide the same in view of the observations of the Hon'ble the Supreme Court in the judgements of *P. Mohanraj & Ors. -Vs. - Shah Brothers Ispat Private Limited reported in (2021) 6 SCC 258* and *Ajay Kumar Radheshyam Goenka -Vs. - Tourism Finance Corporation of India Ltd. reported in 2023 SCC OnLine SC 266*.

The case was initiated in the year 2015, 8 years have passed. In this case, I find that the examination under Section 251 Cr.P.C. was over as also cross-examination of the complainant was in progress.

Having considered the period of time which has elapsed since filing of the petition of complaint, I do not intend to stall the proceedings by way of keeping the revisional application pending before this Court.

Learned Metropolitan Magistrate, 18th Court, Calcutta would abide by the judgments of the Hon'ble Supreme Court so far as the cited decisions (above) have been referred to and thereafter proceed with the trial in accordance with law.

The application on behalf of the company must be preferred within 4 weeks from date and must be disposed of within 4 weeks from the date of filing of such application. In case no application is filed the trial Court would progress with the case.

With the aforesaid observations, CRR 3230 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

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

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

(Tirthankar Ghosh, J.)