

D/L16
10.10.2023
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C.R.R.3598 of 2023

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Trilok Chand Agarwal @ Tilak Chand Agarwal
Versus
Axis Overseas Limited

Mr. Avik Ghatak
Mr. Soham De Dhara.
...for the petitioner.

Mr. Ghatak, learned advocate appearing for the petitioner submits that the petitioner is no way connected with the partnership and simply happens to be the husband of one of the partners and he has been made sole accused in the case.

Having regard to the issues which have been canvassed particularly with regard to the partnership deed and the averments which have been made in the application, I am of the view that the said issues are required to be canvassed before the learned Metropolitan Magistrate, 11th Court, Calcutta prior to the examination of the accused under Section 251 of the Code of Criminal Procedure. If such an application is taken out, the learned Magistrate will dispose of the same in accordance with law by testing the complicity of the present petitioner in respect of the alleged offence as to whether he is required to face the trial in the present case. Presently, no interference is made as there is no reflection regarding the complicity of the present petitioner in the alleged offence.

With the aforesaid observations, CRR 3598 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 photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)