

20.12.2023
Ct. No.34
S/L No. 65
KS

C.R.R. 4004 of 2022
With
IA No.CRAN 2 of 2023 [Not Found]
Sri Raju Das alias Prodosh Kumar Das
-Vs.-
M/s. Raja Udyog Private Limited & Anr.

Mr. Sanjib Kumar Mukhopadhyay
Ms. Aparupa Bhattacharya
.....For the Petitioner
Mr. Nayan Rakshit
.....For the Opposite Party no.1

The revisional application was preferred challenging the continuance of case being, C. Case No.844 of 2019, which is pending before the learned Judicial Magistrate, 4th Court, Barrackpore, I find that the foundation of the revisional application was based on business relationship for which several documents, which are private and personal in nature and do not qualify the standard of sterling quality has been relied upon by the petitioner, for inviting the High Court to adjudicate upon the same for the purpose of quashing the proceedings.

Having considered the fact that the examination of prosecution witness is still on, I am of the view that the veracity of the documents, which have been relied upon by the petitioner to prima facie show that there is no legally enforceable debt or liability cannot be assessed, at this stage, as the documents are to be scrutinized by the Trial Court and has to stand the test of cross-examination at the instance of the other side.

Taking into account the overall circumstances particularly, the grounds on which the petitioner has prayed for quashing of the proceedings, I am of the view that the same do not satisfy the parameter for invoking the provisions of Section 482 of the Code of Criminal Procedure in relation to termination of any proceeding, as such, no interference is made in respect of C. Case No.844 of 2019 pending before the learned Judicial Magistrate, 4th Court, Barrackpore.

Petitioner would be at liberty to exhaust his remedies before learned Trial Court by bringing on records at the appropriate stage, the materials, which have been relied upon.

With the aforesaid observations, C.R.R. 4004 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)