

28.02.2023
Item No.44
Ct. No.236
S.A.

CRR 4089 of 2011

In the matter of Sushil Kumar Lunia
...petitioner

Mr. Bidyut Kumar Ray
Mr. Pratik Bose
...for the State

None is appearing on behalf of the petitioner.

The matter is pending for more than 11 years. I do not find any reason to adjourn the order suo motu. Rather, I intend to dispose of the same on merit based on materials made available with the record.

From the attending facts of the case it appears that one Sushil Kumar Lunia filed a petition of complaint against Sudip Mukherjee stating inter alia that he was induced by Sudip Mukherjee to invest a sum of Rs.18 lakhs in a business but ultimately he retired from the said partnership business leaving the petitioner to face huge financial loss. Accordingly, a case was registered at the jurisdictional police station and police took up investigation but could not collect any evidence to implicate the accused person. Police thereafter submitted a report in the final form. Consequent upon such report the accused person was discharged. The de facto complainant thereafter challenged the order of learned Judicial Magistrate in Criminal Revision no.110 of 2011

which was dismissed by learned Chief Judge, City Sessions Court.

Challenging the order of learned Chief Judge, City Sessions Court, the de facto complainant preferred this revisional application. Upon perusal of record, I find that the petitioner started a partnership business with the opposite party no.2 and for that invested money. Ultimately the partnership business was dissolved. In absence of any material to show that since inception the opposite party no.2 had the intention to dupe the petitioner, he cannot be saddled with liability for committing offence of cheating, and thus the order passed by learned Chief Judge, City Sessions Court, in my view, does not warrant any interference.

The Criminal Revision is bereft of merit and is dismissed, however, without cost.

(Siddhartha Roy Chowdhury, J.)