

February 20, 2023
Sl. No. 16
Court No.236
s.biswas

CRR 3944 of 2012

Bhaskar Tea & Industries Limited
Vs.
Sarada Pleasure & Adventure Limited and others

Despite service of administrative notice upon the parties, none has turned up. The notice could not be served upon the petitioner as it was under lock and key. This criminal revisional application has been pending since 2012 and it challenges the order passed by learned 9th Metropolitan Magistrate, Calcutta in case No.C-11698/2012 on 24th July, 2012.

I do not find any reason to adjourn the case *suo motu*, rather I am inclined to dispose of the revisional application on merit relying upon the documents made available with the record. From the attending facts of the case it appears that Bhaskar Tea & Industries Limited, a registered company under the Companies Act, 1956 filed a petition of complaint on 20th June, 2012 before the learned Chief Metropolitan Magistrate, Calcutta which was registered as C-11698/2012 alleging inter alia that the accused no.2 therein on behalf of the accused nos.1, 3 and 4 expressed his desire to enter into the tea manufacturing business after purchasing the entire shareholdings of M/s. Bhaskar Tea & Industries Limited and Shri Srivardhan Mohta and his family members in Alipurduar Enterprises Limited along with its well running tea garden namely Bundapani Tea Garden at Jalpaiguri at a

consideration of Rs.10,09,00,000/- (Ten crores nine lacs). An agreement was accordingly entered into on 3rd March, 2010, however the accused persons committed a breach of term as laid down in the said agreement. Learned Judicial Magistrate after considering the statement made by the witnesses during examination under Section 200 of the Code of Criminal Procedure held that the genesis of the dispute is the agreement and this is but a civil dispute and learned Jurisdictional Magistrate was pleased to pass an order under Section 203 of the Code of Criminal Procedure.

Having perused the petition as well as the impugned order, I am of the view that the order impugned does not warrant any interference. The criminal revision petition is bereft of merit and is dismissed, however without costs, together with the application if any.

Let a copy of this order and Lower Court Record be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)