

23.09.2024
Serial no. 4
CT.-35
[G.S.D]

CRA (SB) 118 of 2024

In the matter of : Jalan Brothers Private Limited

... .. appellant

Mr. Arnab Das
Ms. Akansha Yadav
Ms. Syeda Romana Sultan

... for the appellant

Ms. Sreyashee Biswas

... for the State

Report submitted by the State reflects that a communication was sent by the Shakespeare Sarani P.S. to the respondent through the Inspector-in-charge of Chaturshringi Police Station, Pune, Maharashtra. The report also refers to the mobile phone number of the son of the respondent being Khopre Sumitra Ramdas as provided by the police station of Pune, Maharashtra.

Report submitted by the Additional Officer-In-Charge of Shakespeare Sarani P.S. through the State be kept with the record.

In view of the efforts taken by the State and the service being completed, I find that the appeal was preferred against the impugned order dated 3rd May, 2023 passed by the learned Metropolitan Magistrate, 18th Court, Calcutta in connection with CS/100741/2016.

The order reflects that for the absence of the complainant, the criminal complaint was dismissed and the accused persons discharged from the case. The order also reflects that date was fixed for filing show-cause. However, the complainant was absent on repeated calls on the said date. The order do not reflect that the show-cause which was issued was received at all by the complainant or not.

In view of the subjective satisfaction relating to the receipt of the show-cause not being recorded and the complainant being unable to answer in respect of his absence on the earlier dates, I direct that the learned Magistrate should have been satisfied as to whether the complainant was afforded proper opportunity before terminating the further proceedings of the complaint case.

In view of the aforesaid, I am of the opinion that the order dated 03.05.2023 calls for interference.

Accordingly, the order dated 03.05.2023 passed in CS/100741/2016 is hereby set aside.

The learned Magistrate is directed to issue notice upon the accused persons and proceed with the case from the stage where the proceedings were dismissed and accused discharged.

With the aforesaid observations, CRA (SB) 118 of 2024 is **allowed**.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)