

10.12.2024
Serial no.22
Aloke
Ct. No. 30

CRR 2435 of 2023

with

CRAN 2 of 2023

Samadhi Pal

Vs.

The State of West Bengal & Ors.

Mr. Arindam Jana

Mr. Rajit Lal Misra

... for the petitioner

Mr. Debasish Roy, Id. PP

Mr. Joydeep Roy

Ms. Sujata Das

... for the State

Mr. A. Khan

Mr. Pronojit Roy

... for the opposite party nos. 2 & 3

1. The present revisional application has been preferred praying for quashing of the order dated 14.03.2022 passed by the learned Chief Judicial Magistrate, South 24 Parganas at Alipore in connection with Sl. No. 94/2021, thereby rejecting the application filed by the petitioner under Section 156(3) of the Cr.P.C.
2. Heard the learned counsel for the petitioner and the learned Public Prosecutor who has placed a further report in the present case submitted by the Deputy Commissioner of Police, Kolkata Police dated 05.08.2024. The said report has been prepared and submitted subsequent to the order in this case dated 10.05.2024.
3. It appears from the said report that the accused persons are all directors of Ampex Packging Pvt. Ltd. and that the complainant/petitioner herein was removed from

directorship of the company allegedly in conspiracy of the said accused persons.

4. The complainant has also termed the extraordinary general meeting as illegal and all other acts of the accused persons as unlawful and illegal.
5. The complainant/petitioner herein has further alleged that he was cheated by the opposite parties since the time he joined the company as director.
6. The Deputy Commissioner of Police as directed by the Court has on enquiry found that the complainant was appointed as director of the company on 04.05.2017. It has further been stated that the petitioner/complainant has received Rs.6,50,000/- from the company, but has also failed to produce any documents or bills for the amount claimed by him of Rs.42,84,925.
7. It further appears from the report that the dispute between the parties is a matter which is to be addressed before the National Company Law Tribunal but the Tribunal was not approached by the petitioner and, as such, as the time to approach the forum had expired, the petitioner initiated the present criminal case.
8. The Deputy Commissioner of Police on completion of enquiry found that **no cognizable offence was prima facie found against the opposite parties herein.**
9. On perusal of the order under revision it appears that the application under Section 156(3) Cr.P.C. was **filed on 27.07.2021** by the petitioner herein. **Till 14.03.2022,** that is the order under revision the Court granted

sufficient opportunity to the petitioner to appear and move his application. But in spite of several opportunities being granted and also on being directed to file a show-cause and having failed to do so, the Court rejected the application under Section 156(3) Cr.P.C.

- 10.** In view of the discussions as made above, this Court finds no reason to interfere with the order under revision and indulging the petitioner any further will clearly be an abuse of the process of law and, as such, the present **criminal revision being CRR 2435 of 2023 stands dismissed.**
- 11.** All connected applications, if any, stand disposed of.
- 12.** Interim order, if any, stands vacated.
- 13.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)