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CRR 2424 of 2012

In the matter of : Raj Kumar Chowdhury.
.... petitioner.

Mr. Lokesh Sharma
.... for the respondent No. 2.

The instant revisional application has been filed against order dated 05.05.2012 passed by the 6th Judicial Magistrate, Howrah in G.R. No. 3955/2009 arising out of Golabari Police Station Case No. 327/09 dated 27.11.2009 under Section 406/420 of the Indian Penal Code.

The learned advocate for the respondent No. 2 is present.

None appeared for the petitioner.

Perused the contention of the petition as well as the impugned order the dispute concerns the active participation of two partners of the partnership firm which is primarily civil in nature. The impugned order has reasonably explained the relationship between the partners and their entitlement to the share of profit in the partnership business.

Considered the submissions of the learned advocate for the respondent No.2.

The facts and circumstances of the instant case do not involve criminal breach of trust, as the element of entrustment of a property is absent. The learned trial court has rightly discharged the respondents and this Court is not inclined to interfere with the impugned order.

Accordingly, the instant revisional application is dismissed.

The lower court records be sent down to the learned trial court.

Copy of the order be sent to the Department as well as learned trial court for immediate compliance.

(Ananya Bandyopadhyay, J.)