

D/L29
21.05.2024
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C.R.R.3702 of 2023
With
CRAN 1 of 2023

In Re: An application under Section 482 read with Section 401 of the
Code of Criminal Procedure, 1973;

Suman Mukherjee
Versus
The State of West Bengal and another

Mr. Sabir Ahmed
Mr. Shourjyo Mukherjee
Ms. Suman Biswas.
...for the petitioner.

Mr. Madhusudan Sur
Mr. Dipankar Paramanick.
...for the State.

Mr. Tanmoy Chowdhury
Ms. Ritoprita Ghosh.
...for the opposite party no.2.

Memo of evidence filed by the State be kept with the
record.

The revisional application is disposed of with the
following directions:-

Petitioner is directed to appear before the learned
jurisdictional court by 30th June, 2024.

The execution of arrest, if any, be stayed till 7th July,
2024.

Learned advocate appearing for the petitioner submits
that some accounts of the company have been freezed which have
been shown to be the subject matter of the present case.

After appearance, the petitioner would prefer an

application before the learned jurisdictional court and the learned jurisdictional court on proper terms and conditions would exercise its discretion for defreezing the accounts by retaining proper security and by ensuring that the said quantum is not misutilised till disposal of the case.

Petitioner would be at liberty to canvass his degree of culpability by way of taking out the discharge application at the stage of Section 239 of the Code of Criminal Procedure.

Needless to state that this Court has not gone into the merits of the case and the learned Magistrate would independently decide the issue at the stage of Section 239 of the Code of Criminal Procedure without taking into account the observations made hereinabove.

With the aforesaid observations, CRR 3702 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)