

14.11.2024
Sl.No. 15
Ct. 32
Amalranjan

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 3351 of 2018

Prasanta Kumar Pandit
Vs.
The State of West Bengal and ors.

1. None appears on behalf of either of the parties on call, no accommodation sought for at the time of call. Even on earlier occasion, no one represented the petitioner, no accommodation sought for.
2. This case pertains to the year 2018.
3. Considering the nature of prayer and long pendency, the record is taken up for disposal of the revisional application on merits.
4. By filing this revisional application under sections 397/401 read with section 482 of the Cr.P.C the petitioner herein praying for setting the impugned order dated 14th August, 2018 passed by the learned Chief Judicial Magistrate at Paschim Burdwan in connection with complaint case no. 971 of 2018 under sections 410/465/3 IPC, thereby dismissing the application of complaint under section 156(3) Cr.P.C.
5. The brief facts of the instant case leading to filing the revisional application is that a loan-cum-hypothecation agreement was executed by

and between the petitioner and the opposite parties herein, whereby Magma Fincorp granted a loan of Rs 7,56,364/-. The said amount is to be payable in 48 installments amounting to Rs. 28,000/- from 1st to 33 installments and Rs. 5,300/- from 34th to 48th installments. The total loan amount including interest comes to Rs. 10,03,500/-.

6. The opposite parties have paid a total sum of Rs 4,76,414/-. However, they defaulted in payment of remaining installments.
7. It is the further case of the petitioner that some unknown payment of Rs. 1,67,660/- was received by Magma Fincorp and the payment status has been shown as “pre-terminated case closed repossessed.”
8. Thereafter, the petitioner wrote a letter to the Assistant Regional Transport Officer, Asansol, requesting not to transfer the said vehicle in the name of a third party. But subsequently, the petitioner came to know that the said vehicle had been sold out to one Shradha Singh terminating the said agreement and the opposite parties have sold out the said vehicle which was purchased under loan-cum-hypothecation agreement, was unauthorized

and not permissible under the terms of agreement.

9. Therefore, the complainant/petitioner herein filed a complaint case before the learned ACJM at Asansol.

10. The said application was heard by the learned ACJM, Asansol on 14.08.2018 and finally passed an order as inter alia as under:

“ Having regard to the nature of allegation made in the petition of complaint I deem it proper to get the veracity of the allegation made verified at first instance and accordingly, in view of the decision of the Hon’ble Supreme Court in Priyanka Srivastava and another Vs State of U.P and others (Criminal Appeal no. 781/12), I, O/C Salanpur P.S is hereby directed to verify the veracity of the allegation made in the petition of complaint and submit a report to that effect in this court positively by 14.09.2016.”

11. Subsequently, vide order dated 14.09.2018, the learned Magistrate considered the report submitted by the Sub-Inspector of Police, PS Salanpur, Asansol, West Burdwan and then the allegation made by the petitioner is found not genuine. Accordingly, the said petition was rejected.

12. Being aggrieved with the said impugned order the petitioner herein filed this revisional application.
13. Upon perusal of the entire revisional application and materials available in the record along with the annexures thereto as well as the impugned judgment dated 14.08.2018 passed by learned Judicial Magistrate at Paschim Burdwan, this Court does not find any infirmity or error in rejecting the application or complaint filed under section 156(3) Cr.P.C. the said order was passed after considering the report submitted by the police after preliminary investigation.
14. Accordingly, this court does not find any merit in the instant case.
15. Under the above facts and circumstances, the instant revisional application being **CRR 3351 of 2018** is thus dismissed without order as to costs.
16. Connected application, if any, is thus disposed of.
17. Interim order, if any, stands vacated.
18. Let the order be communicated to the Ld. Court below for information.

19. All parties are to act in terms of the copy of this order downloaded from the official website of this court.
20. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)