

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
CRIMINAL REVISIONAL JURISDICTION  
APPELLATE SIDE**

**Present:**

**The Hon'ble Justice Md. Shabbar Rashidi**

**CRR 57 of 2024**

**Arihant Jain and Anr.  
Vs.  
State of West Bengal**

For the Petitioners : *Mr. Rajesh Kumar Sharma*  
*Mr. Janardan Periwal*

For the State : *Mr. Aditi Shankar Chakraborty, Ld. A.P.P.*  
*Mr. Ujjwal Luksom*

Heard on : 25.09.2024

Judgement on : **27.09.2024**

**MD. SHABBAR RASHIDI, J. :**

1. This is an application under Section 482 of the Code of Criminal Procedure for quashing the entire proceedings in respect of Siliguri Police Station Case No. 545 of 2015 dated June 18, 2015 under Section 420/34 of the Indian Penal Code.

2. One S.I., B.D. Sarkar, lodged a written complaint with the Inspector-in-Charge of Siliguri P.S. stating inter alia, that on June 18, 2015, he received a secret information that the present petitioners were running an online trading business illegally in a room at Sikhadeep Building, Sevoke Road, Siliguri. Accordingly, the complainant along with force conducted raid in the said building at about 18:10 hours on June 18, 2015. In pursuance of such raid, the petitioner was found sitting in chair operating some computers with so many mobiles and files around him. On interrogation, he disclosed that he had been running online trading of shares, LED lamp and other valuable goods. However, on demand, he failed to produce any valid document or license in support of his online trading. Upon search, several articles were found and seized by the de facto complainant. Thereafter, the petitioner no. 1 was arrested and on his statement, petitioner No. 2 was also arrested from another building, as shown by the petitioner no. 1.
3. On the basis of the complaint lodged by the de facto complainant, Siliguri P.S. case No. 545/15 dated June 18, 2015 under Section 420/34 of the Indian Penal Code was started against the petitioners.
4. The Police took up investigation and on completion of investigation, submitted charge-sheet under Section 420/34 of the Indian Penal Code against the two F.I.Rs named accused persons/petitioners.

5. It is the submission on behalf of the petitioners that from the reading of the written complaint, no offence under Section 420 of the Indian Penal Code is made out. The ingredients required for constituting an offence under Section 420 of the Indian Penal Code were missing in the written complaint. There is no element of dishonest inducement on the part of the petitioners to anybody making him to deliver any valuable security disclosed in the written complaint. It is also submitted on behalf of the petitioners that there was no complaint against the petitioners who were induced to deliver any valuable security as required for the purpose of constituting the offence under Section 420 of the Indian Penal Code.
6. Moreover, it is submitted that the articles alleged to be seized from deposition of the petitioners, were common articles which is available with any person or in the market. Ld. Advocate for the petitioners also submitted that since the petitioners were not able to produce any documentation of the possession of the articles seized from their possession, they have been implicated for an offence under Section 420 of the Indian Penal Code. It is submitted that the F.I.R. does not disclose any cognizable offence.
7. Under the aforesaid circumstances, the petitioners moved an application, seeking discharge from the criminal case before Ld. Trial Court on the ground that the materials in the F.I.R. or the charge-sheet did not disclose any offence which was punishable under Section 420 of the Indian

Penal Code. Such petition filed on behalf of the petitioner, was rejected by Ld. Trial Court by an order dated October 16, 2019, in consideration of the materials-on-record as well as the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure.

8. It is on the rejection of their prayer for discharge, the petitioners have come up before this Court under Section 482 of the Code of Criminal Procedure, seeking quashing of the entire criminal proceeding arising out of Siliguri P.S. Case No. 545 of 2015 on the ground that the allegations made in the F.I.R. did not disclose any offence of cheating.
9. From the allegations made in the F.I.R., it transpires that the petitioners were alleged to be engaged in illegal trading of shares etc. According to the F.I.R., the petitioner no. 1 appears to have disclosed before the de facto complainant that he was engaged in illegal trading of shares and other valuables. It is a fact that there is no allegation from any corner that the petitioners cheated any person, giving any assurance to such person and induced them to deliver certain valuable security or anything which could be converted into a valuable security. However, the contents in the F.I.R. read out that the petitioners used to take calls and book shares and valuable goods of so many clients in the name of very few authorized clients, absolutely patronized by him to ensure benefits to such persons illegally. Such allegation also included bypassing the laws relating to taxes payable to the Central Government or the State Government.

10. At the time of hearing, Ld. Advocate appearing for the State, disclosed that the case arising out of Siliguri P.S. Case No. 545 of 2015 was under trial before Ld. 3<sup>rd</sup> Judicial Magistrate, Siliguri and was in an advanced stage. The evidences for the prosecution were being laid. Upon such information, on a query, Ld. Advocate for the petitioner submitted that a similar application for discharge was made on behalf of the petitioners, which was rejected by Ld. Trial Court. It was not denied that the trial of the case was in an advanced stage. Nevertheless, the Order rejecting discharge of the petitioners from the criminal case was never challenged before any Court.
11. In the light of the aforementioned developments in the criminal case and in consideration of the fact that the trial of the case has substantially advanced and the present petitioners have stood trial in the criminal case, I am of the opinion that the prayer of the petitioners for quashing of the entire criminal proceedings does not sustain any longer.
12. In the aforesaid circumstances, I find no merit in the application under Section 482 of the Code of Criminal Procedure filed on behalf of the petitioners. Hence, the same is rejected.
13. Accordingly, the instant revisional application being C.R.R. 57 of 2024 is dismissed without any order as to costs, and thus, disposed of.

**(Md. Shabbar Rashidi, J.)**