

06.01.2025

Item No.28

Ct.No.2

Rakib

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

C.R.R. 264 of 2024

Ajanta Sinha Roy & Anr.

Vs.

The State of West Bengal & Anr.

Mr. Anirban Banerjee,
Mr. Somnath Bhattacharya.
... For the Petitioners.

Mr. Aniruddha Biswas,
Mr. Kanak Mishra,
Mr. Manoj Saha.
... For the O.P. No.2.

Mr. Nilay Chakraborty, Ld. APP.
Mr. Tapan Bhattacharjee.
... For the State.

Petitioner has challenged the continuance of the proceeding arising out of Darjeeling Sadar Police Station case no. 73 of 2022 dated 04.06.2022, wherein the investigating agency on conclusion of investigation submitted charge-sheet under Section 420/34 of the Indian Penal Code. The investigating agency in order to substantiate its case relied upon 6 witnesses as well as series of documents.

Learned advocate appearing for the petitioner submits that the petitioner being Vidya.Com Consultancy Pvt. Ltd., Overseas Educational Services have rendered their services and thereafter have been falsely implicated by the private opposite party in connection with the instant case knowing fully well that the fault was on the part of the de facto

complainant/opposite party as no Visa could be procured by them.

Mr. Biswas, learned advocate appearing for the private opposite party submits that the petitioner was assured of services, particularly his child being admitted in a foreign university. To that effect whatever payments were from time to time demanded the same was paid to the satisfaction of the accused/petitioner company. However, opposite party was deceived as the purpose for which she parted with the money and the representation on which she parted with the money was never sub-served.

Mr. Chakraborty, learned Additional Public Prosecutor appearing on behalf of the State has produce the Case Diary and submitted that there are substantial materials collected by the investigating agency which would prima facie make out a case for progressing with the trial of the case.

Be that as it may at this stage as the petitioner has entered into a zone of certain factual aspects, I do not intend to deal with the same in detail. Petitioner would be at liberty to canvass all the issues by way of taking out an appropriate application under Section 239 of the Code of Criminal Procedure before the learned Jurisdictional Magistrate. Learned Jurisdictional Magistrate would independently consider such application without being influenced by any observation made by this Court for the purposes of disposing of the present revisional application.

With the aforesaid observations CRR 264 of 2024 is disposed of.

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

Interim order, if any, is hereby vacated.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)