

20.01.2026

Sl. No.823.

D/L.

Mithun.

Ct.No.29.

CRR/3304/2025

Birla Corporation Limited & Anr.

Vs.

State of West Bengal & Anr.

Mr. Somopriyo Chowdhury,
Mr. Sanket Sarawgi

...for the petitioners

Mr. Ayan Bhattacharjee, Sr. Adv.,
Mr. B.N.Joshi,
Mr. A. Agarwalla,
Ms. Priyanka Garain

...for opposite party no.2

Mr. Debasish Roy, Ld.P.P.,
Mr. Suman De,
Mr. K. Bapuli

...for the State

The petitioners herein have assailed the judgment and order dated 6th May, 2025 passed by the learned Additional Sessions Judge, City Sessions Court, Calcutta in Criminal Revision No.285 of 2023 upholding the order dated 19th August, 2023 passed by the learned Chief Judicial Magistrate, Calcutta in connection with G.R. Case No.920 of 2015 arising out of Hare Street Police Station Case No.239 of 2015 dated 27.4.2015.

The opposite party herein filed an application under Section 156(3) of the Code of Criminal Procedure before the concerned Magistrate implicating the petitioners and three others claiming to be an unauthorized representative of a Company, namely, R.S.P. Securities Private Limited.

Learned Magistrate directed investigation of the matter and after making investigation, the Investigating Authority submitted final report in the form of closure of investigation. Thereafter, the complainant R.S.P. Securities Private Limited filed a protest petition (Narazi petition) which

the Court below rejected on the ground that the *de facto* complainant RSP Securities Private Limited has already been dissolved. However, he recorded the submission made of behalf of *de facto* complainant that a new entity has already come on and therefore liberty was sought for by the transferee company to file a Narazi application afresh. However, Trial Court rejected the said prayer of filing fresh Narazi petition.

Being aggrieved by that order, the petitioners preferred a revisional application before Additional District & Sessions Judge and the revisional Court by an order dated 26th July, 2019 allowed the revisional application by remanding the case with a further direction to hear the substitution petition filed by the transferee company afresh after giving an opportunity to participate in the hearing of both the parties.

Thereafter, learned Chief Judicial Magistrate, Calcutta by an order dated 19.08.2023 allowed the substitution application and thereby allowed the transferee company namely Tristar Finvest Private Limited to represent through its representative to conduct it's case under Section 302 of the IPC in place of original complainant/ transferor Company RSP Securities Private Limited, in view of the scheme of amalgamation of the companies as approved by the National Companies Law Board with effect from 1st April, 2015.

Being aggrieved by the said order, the petitioners herein again preferred a revisional application before learned Additional District & Sessions Judge who by the impugned order dated 6th May, 2025 dismissed the revisional application and affirmed the order of the learned Magistrate.

Being aggrieved by the aforesaid order dated 6th May, 2025, the petitioners preferred the instant application.

In ***Gangadhar Janardhan Mhatre Vs. State of Maharashtra (2004) 7 SCC 768***, it was held that Criminal Procedure Code does not provide any provision for filing protest petition by the FIR maker, though this has become the practice. It is absolutely the responsibility of the Magistrate to scrutinize all the documents and evidences collected during investigation to come to a conclusion whether the materials are sufficient to proceed further or not.

Therefore, having heard learned Counsel for the petitioners and the opposite party, the instant application being CRR 3304 of 2025 is hereby disposed of giving liberty to the transferee Company/opposite party herein namely Tristar Finvest Private Limited to prefer a fresh protest petition before the Court below within a period of two weeks from the date of communication of this order. In the event of filing such application by the opposite party herein, the Court below will dispose of such prayer on merit in accordance with law after giving opportunity to both the parties to contest, preferably within a period of six weeks thereafter. Be it mentioned that I have not gone into the merits about the result of investigation.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)