

02.07.2018

Today is fixed for appearance and passing of order of the petition dated 14.09.2017 under Section 239 CrPC by accused Subhadip Mondal and Rinku Kha.

Out of the six accused persons four are present by filing hazira and two are absent by petition. Heard.

The two accused persons have stated that the allegations made in the FIR are false, vague and concocted. That this case is purely civil in nature and has been filed in all to harass them. Accordingly the accused have prayed for discharge under Section 239 CrPC.

Section 239 CrPC – if, upon considering the police report and the documents sent with it under Section 173 and making such examination, if any, of the accused as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for so doing.

Cognizance in this case has been taken under Section 406, 420, 506, 34 IPC. The complainant has alleged that the two accused persons alongwith other accused persons issued upon certificate to the complainant of Rs.50,000/- with the promise to return the maturity amount after expiry of maturity date but when the complainant went to the office of the accused persons on the maturity date he found the office under lock and key. The complainant has also alleged that the accused persons threatened him if he took any steps against them.

Therefore considering the material on record it appears that there is a prima facie case has been made against the accused persons. Accordingly the petition under Section 239 CrPC is considered and rejected.

Fix **25.02.2019** for appearance and charge.

Dictated and Corrected by me.

Judicial Magistrate,
3rd Court, Asansol

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