

GR- 223/2019

GRN-200273/2019
(JO Code-WB01125)
CNR No.-WBCS02-065523-2019

Order date: 15.07.2024

Today is fixed for order.

Accused person is present on call.

This is an application u/s 239 Cr.P.C filed by accused person.

Ld. Advocate for accused submitted that charge sheet has been filed u/s 477/422/511/420/409 IPC against this accused. But there is no ingredient of offence u/s 477 or 422 of IPC crops up in the prosecution story. Moreover, the main criteria of offence u/s 420 IPC .i.e dishonest intention from the very beginning is missing in this case. In such circumstance, Ld. Advocate prayed for discharge of the accused person.

Ld. APP submitted that all the ingredients of offences in which charge sheet has been filed are present in the prosecution story and as such prayed for rejection of the application.

Perused case record. Heard both sides. Considered.

The crux of the allegation in short is that accused represented himself as an experienced financial advisor and chartered accountant and gained trust of de facto complainant by various work and ultimately secured his position in the company as an employee/ agent. He was entrusted with works of company and also being paid for the same. Subsequently, accused did not do his work and also withheld important documents of the company in spite of several instigation. Even accused misappropriated the money of company.

On perusal of entire case record, I find that there is prima facie ingredient of offence u/s 420/409 of IPC to proceed with against the accused person.

Hence, discharge prayer of accused is considered and rejected. Charge will be framed u/s 420/409 of IPC.

Fix 26.09.2024 for framing of charge.

D/c,

ACJM-I, Calcutta.