

**CS-0098112 of 2016**

**Order date: 16.07.2018**

The record is fixed today for filing show cause.

The accused persons facing trial are absent by filing a petition on the ground stated therein. Let the petition be made part of the record.

One show cause petition is filed on behalf of the complainant company. This show cause petition is now taken up for hearing and disposal. Heard all concern. Perused the show cause petition filed today as well as the materials on record. Considered.

At the very outset it must be said that the show cause petition that has been filed by the complainant company does not bear the signature of the representative of the complainant company. Moreover, the show cause is neither verified nor supported by an affidavit. Therefore, in other words, a petition preferred by the complainant company today is not maintainable in law or in fact.

Hence the show cause petition if it may be called one, filed by the complainant company is considered and rejected with cost of Rs. 500/- payable to the accused persons as the same is nothing but an abuse of the process of the Court entailing loss of precious Court's Hours unnecessarily.

Having rejected the show cause petition, one would naturally expect this Court to dismiss the instant case. However, no such order of dismissal can be passed in a case of present nature as cognizance has been taken by my Ld. Predecessor-in-Office in this case u/s 420/120B/406 of IPC which compels this Court to try the instant case under the warrant procedure. And Code of Criminal Procedure does not arm this Court with the power to dismiss a case triable under warrant procedure at this stage.

Accordingly, fix 26.09.2018 for payment of cost of Rs. 500/- by the complainant company as well as for hearing the petitions preferred by the accused persons.

The case stands adjourned today. The petition for adjournment preferred by the accused persons stands allowed, accordingly.

Todate.

D/C

M.M. 3<sup>rd</sup> Court, Calcutta

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