

GAHC010057492023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./244/2023

VOLTAS LTD. AND 5 ORS.
REGD. OFFICE- VOLTAS HOUSE-A,
DR. BABASAHEB AMBEDKAR ROAD, CHINCHPOKLI, MUMBAI,
MAHARASHTRA
400033.

2: VOLTAS LIMITED
UPASANA PALACE BUILDING
6TH FLOOR
DR. RAJENDRA PRASAD ROAD
GANESHGURI
GUWAHATI
ASSAM- 781006

3: VOLTAS LIMITED
UNIT NO. 805
8TH FLOOR

GODREJ WASTERSIDE
TOWER-2

PLOT NO. 5
BLOCK DP
SECTION- V

SALT LAKE
KOLKATA
WEST BENGAL-700091

4: SHRI PRADEEP BAKSHI
S/O SHRI JUGAL KISHORE
MANAGING DIRECTOR AND CEO
VOLTAS LIMITED
REGD. OFFICE- VOLTAS HOUSE -A

DR. BABASAHEB AMBEDKAR ROAD
CHINCHPOKLI
MUMBAI
MAHARASHTRA-400033.

5: SHRI SAPTARSHI GUPTA
S/OLATE SHRI SUKOMAL RANJAN GUPTA
ZONAL HEAD 09 (EZ)
PRODUCT SALES
VOLTAS LIMITED
UNIT NO. 805
8TH FLOOR GODREJ WASTERSIDE
TOWER-2

PLOT NO. 5
BLOCK DP
SECTION- V
SALT LAKE KOLKATA
WEST BENGAL- 700091.

6: SHRI ATIN ROY
S/O LATE SHRI JATINDRA NATH ROY
PRODUCT SALES (NE) VOLTAS LIMITED UPASANA PALACE
6TH FLOOR
DR RAJENDRA PRASAD ROAD
GANESHGURI
GUWAHATI
ASSAM- 781006
ALSO HAVING ADDRESS AT C/O SATYEN SARKAR
LANE NO. 2

JYOTIBASU ROAD
DAKSHIN DINAJPUR WEST BENGAL- 73312

VERSUS

THE STATE OF ASSAM AND ANR.
THROUGH THE PP, ASSAM

2:SHRI DEWKI NANDAN AGARWALLA
S/O LATE MUNGILAL AGARWALLA

A.T. ROAD
MORAN MORAHAT
DIBRUGARH- ASSAM-78567

Advocate for the Petitioner : MR. D DAS SR. ADV

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

22.03.2023

Heard Mr. D. Das, learned Senior Counsel appearing for the petitioners assisted by Mr. K. Talukdar as well as Mr. B.B. Gogoi, learned Addl. P.P. appearing for the State respondent.

It is submitted on behalf of the petitioners that the transactions in question took place in the year, 2018 and the present complaint has been filed in the year 2022 and the summons were issued in the year 2023. Moreover, respondent no. 2 admittedly made payment to Spectrum HVAC in the year 2018, which is marked as Annexure-4. The document clearly reveals that the payment was made to the Spectrum HVAC. It is also submitted that the contract was between the complainant, respondent no. 2 and Spectrum and the petitioners are manufactures and they are not responsible for the performance of the contract. It is also submitted that while taking cognizance vide order dated 07.01.2023, learned SDJM(S), Dibrugarh has not examined witnesses under Section 202(2) Cr.P.C. The witnesses were not examined as per procedure under Section 202 Cr.P.C, as the witnesses are from outside the State. As the petitioners are not liable, the petitioners have prayed for stay of further proceedings against them, till the disposal of the present case.

Issue notice to the respondent no. 2.

The petitioners are directed to take steps for service of notice upon the respondent no. 2 by registered post with A/D as well as by usual process.

Meanwhile, further proceedings relating to the petitioner nos. 1 to 6 in connection with Complaint Case No. 5c/2022 shall be stayed till the next date of listing.

Call for the scanned copies of the LCR.

List on 03.05.2023.

JUDGE

Comparing Assistant