

Court No.
39
Item 18
Ssi

C.R.R. 1103 of 2022

In the matter of:- **Prabhudaran K G**

02.05.
2022

Mr. Sourav Mondal
Mr. N. Kumar
Mr. K. R. Rajasekaran

...for the petitioner

This is an application for quashing of a proceeding in which a charge-sheet was submitted under Sections 341 and 506 read with Section 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits as follows. The present case was started under Section 156 (3) of the Code alleging serious allegations of kidnapping, extortion and offences under the Arms Act. However, a charge-sheet could be submitted only under Sections 341 and 506 read with Section 34 of the Indian Penal Code. Admittedly, the petitioner had paid about Rs. 4 crores to the defacto-complainant and others for supply of nitrile gloves meant for protection from COVID-19 virus. However, only a part of the goods could be supplied, Rs. 3 crores is still due. In order to avoid payment of such amount, it was alleged in the FIR that on the particular date, the

petitioner abducted the victim at gunpoint and made him sign on a power of attorney in respect of a property and some cheques. Strangely, it was alleged that on the same day, abduction of the victim took place twice. No prima facie case is made out as would be evident from a plain reading of the First Information Report and the charge-sheet. Any further continuation of the impugned proceeding shall be an abuse of the process of Court.

As the petitioner has made out an arguable case, the same needs to be heard at length.

Let the petitioner serve a copy of this application upon the State through the learned Public Prosecutor and upon the opposite party no.2 by speed post with acknowledgment due, within a week. An affidavit of service to that effect shall be filed on the next date of hearing.

Let this matter appear in the list under the heading "Contested Application" one week after the ensuing "Summer Vacation".

The impugned proceeding shall remain stayed for a period of three weeks after the ensuing "Summer Vacation".

The parties shall be at liberty to pray for extension or modification or vacating of the interim order upon notice to the other side.

The State shall produce the case diary on the next

date of hearing.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)