

**05.03.2026**

Sl. No.2.

D/L.

Mithun.

Ct.No.29.

**CRR/2704/2025**

**Argho Das @ Argha Das  
Vs.  
The State of West Bengal & Anr.**

Mr. Satadru Lahiri,  
Mr. Safdar Azam

... for the petitioner

Petitioner herein is aggrieved with the proceeding being CR-158 of 2024 presently pending before learned Judicial Magistrate, Additional Court, Lalbagh, Murshidabad.

The opposite party herein has alleged in the petition of complaint that on 06.10.2021 the petitioner induced the complainant and took delivery of the goods by making payment of Rs.30,000/- towards advance payment and thereafter he only paid Rs.20,000/- out of the rest amount of Rs.1,11,235/-. Since the petitioner did not pay the rest amount in spite of several demands, the opposite party has lodged the instant complaint.

Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioner submits that the dispute between the parties is purely commercial which has been given a cloak of criminality and that too has been filed after a long delay without having any explanation. He further submits that mere non-payment and/or part payment of a due allegedly accrues from commercial transaction does not attract deception or fraudulent intention on the part of the petitioner from inception and, as such, the offence of cheating has not been made out. He further submits that the continuation of the proceeding any further will be mere abuse of the process of the Court.

Having heard learned Counsel for the petitioner, the application is admitted.

Petitioner is directed to serve a copy of application upon the opposite party through speed post intimating next date of hearing and to file affidavit of service on the returnable date.

Let the matter be listed under the heading "To Be Mentioned" on 24<sup>th</sup> March, 2026.

Learned Counsel for the petitioner also prays for stay of the impugned proceeding.

Having heard learned Counsel for the petitioner and that the petitioner has made out an arguable case, let all further proceeding of CR-158 of 2024 presently pending before learned Judicial Magistrate, Additional Court, Lalbagh, Murshidabad is hereby stayed for a period of 12 weeks or until further order, whichever is earlier.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

**( Dr. Ajoy Kumar Mukherjee, J. )**