

04.08.2022
Item No.172.
M/L.
Mithun
Ct.42

CRR 2690 of 2022
Siddhanth Jain
Vs.
The State of West Bengal & Anr.

Mr. Ayan Bhattacharjee, Adv.
Mr. Abhijit Choudhury, Adv.
Mr. Aditya Ratan Tiwary, Adv
Mr.S. Arora, Adv.

...for the petitioner.

The issue involved in the instant revision is whether the de-facto complainant has converted a purely commercial loan transaction between the parties to a criminal proceeding under Sections 420/406/464/468/469/471 of the Indian Penal Code.

It is not in dispute that one M/s. Softel Associates Private Limited, of which the de-facto complainant is a Director, filed a suit in the Original Side of this Court claiming recovery of money lent or loan paid. The said suit is pending before the Court. During pendency of the said suit, the de-facto complainant has filed the instant complaint against the accused person. The accused person is the permanent resident of Delhi, whereas entire cause of action arise within the jurisdiction of Kolkata.

Therefore, the accused person/petitioner has agitated veracity and legality of the written complaint and the consequent criminal case registered as Shakespeare Sarani Police Station Case No.80 of 2022 dated 29th April, 2022 under Sections 420/406/464/468/469/471 read with Section 120B of the Indian Penal Code.

The instant revision be admitted.

The petitioner is directed to serve notice of the instant proceeding to the opposite party No.2 under registered speed post with acknowledgment due and to the State of West Bengal through the learned Public Prosecutor, High Court, Calcutta. The petitioner shall also file affidavit-of-service within 3 weeks from the date of this order.

In the meantime, further proceeding of G.R. (S) Case No.471 of 2022 be stayed for a period of six weeks.

(Bibek Chaudhuri, J.)