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CRR 3352 of 2025

In Re : Sri Sanjiv Kumar Tulsian & Anr.petitioners

Mr. Debapriya Gupta
Ms. Esha Das

..... for the petitioners

Mr. Gupta, learned Advocate representing the petitioners, points out that there are some errors on the back page of the revisional application. Liberty is granted to the advocate-on-record of the petitioners to make the necessary corrections.

The present revisional application has been preferred seeking the quashing of Bhadreswar Police Station Case No. 188 of 2009 dated 03.12.2009 under Section 406 of the Indian Penal Code, corresponding to G.R. Case No. 732 of 2009, pending before the learned Additional Chief Judicial Magistrate, Chandannagar, Hooghly.

Mr. Gupta, learned Advocate appearing for the petitioners, submits that on 3rd December, 2019, the Enforcement Officer of the Employees' Provident Fund Organization, West Bengal, lodged a complaint before the Officer-in-Charge, Bhadreswar, alleging a short deposit of provident fund amounting to Rs. 1,16,184/-. He contends that vicarious liability has no recognition in criminal jurisprudence and that a Director cannot be held personally liable for such alleged default. Placing reliance on several unreported decisions of Co-ordinate Benches of this

Court [CRR 3650 of 2022 (Tata Chemicals Limited & Ors. vs. Amit Das & Ors.), CRR 410 of 2019 with CRASN 4 of 2023 (Raj Kumar Tody & Ors. vs. State of West Bengal & Anr.), CRR 425 of 2018 with CRAN 1009 of 2018 (Anil Kumar Nahata vs. State of West Bengal & Anr.), and CRR 291 of 2023 (Raj Kumar Kanoyi & Ors. vs. State of West Bengal & Anr.)], he submits that without making the Company itself an accused, such prosecution against the Director cannot be sustained. He further points out that in a similar case, once the employer deposited the entire amount, the proceedings against the Director were quashed.

Having heard the learned Advocate appearing for the petitioners and upon perusal of the materials on record, I am of the view that the issue raised in this matter requires consideration on merits, and the petitioners have made out a good arguable case.

In view of the foregoing, all proceedings and further proceedings in G.R. Case No. 732 of 2009 shall remain stayed until the end of November 2025 or until further orders, whichever is earlier. The opposite parties shall be at liberty to apply for vacating, modifying, or cancelling this interim order, if they so desire and are so advised.

In view thereof, the petitioners are directed to serve a copy of this revisional application upon the opposite parties, along with all annexures thereto, together with a notice intimating that the matter shall be taken up for further consideration on 20th November 2025, and to file an affidavit of service on the returnable date.

(Partha Sarathi Chatterjee, J.)