

CRR No. 4136 of 2024

In the matter of : Ramkishore Bansal & Anr.

..... petitioners.

Mr. Sandipan Ganguly
Ms. Manswita Mukherjee
Mr. P. Agarwal
Ms. Muskan Agarwal

...for the petitioners.

The petitioners seek quashing of proceedings of Complaint Case No.60C of 2024 pending before the learned Chief Judicial Magistrate, Bankura.

Learned counsel for the petitioners submits that the opposite party was a contractor who worked with the petitioners for providing constructional support when the petitioners were setting up a plant. The work order of the opposite party was cancelled after some time after which the opposite party alleged that there were certain dues from the petitioners and also certain machinery used by him in the work were detained by the petitioners.

The opposite party lodged a complaint under Section 420/403/34 of the Indian Penal Code against the petitioners and upon investigation a final report was submitted by the Investigating Officer.

The opposite party filed a narazi application against the said report and on his prayer, the matter was sent for reinvestigation by the learned Magistrate. Upon reinvestigation of the case a further report was submitted by the investigating officer stating mistake of facts. Another narazi application was filed by the opposite party which was pending. In the meantime, the petitioners approached this Court in a revisional application being CRR 1171 of 2018 challenging the entire proceeding, which was pending for some time and finally dismissed for default on 16th March, 2023.

On 2nd November, 2023, the proceeding was dropped by the learned Magistrate upon accepting FRMF submitted by the Investigating Officer. On 7th November, 2023, the opposite party filed an application seeking consideration of his narazi application which was still pending and by an order passed on 21st February, 2024, the narazi application was treated as a complaint and process issued upon the petitioners.

Learned counsel submits that process was issued without compliance of Section 202 of the Code of Criminal Procedure. Also, the allegation under Section 406/34 of the Indian Penal Code does not lie against the petitioners for alleged non-payment of dues and detention of machinery.

It appears from the material on record that the matter needs to be heard on merits.

The petitioners are directed to serve copy of the application along with annexure thereto upon the opposite parties and file affidavit of service on the adjourned date.

Let the matter appear under the heading “Contested Application” in the monthly list of January, 2025.

Further proceedings of Complaint Case No.60C of 2024 pending before the learned Chief Judicial Magistrate, Bankura be stayed till 31st January, 2025 or until further orders, whichever is earlier.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)