

In this context, the petitioner also pointed out that this court while disposing anticipatory bail in CRM 10793 of 2019, was pleased to make an observation by an order dated 21st November, 2019 that the dispute is civil in nature and relates to breach of contractual obligation.

In such view of the matter, the petitioner submits that Section 406/420/120B of the Indian Penal Code do not have any application in the present context and moreover, it is settled position of law that simultaneous proceeding under Section 406 and 420 of the Code cannot run in respect of the self-same transaction.

The petitioner is directed to serve a copy of the application upon the opposite parties intimating the next date of hearing and file affidavit of service on the returnable date.

Let the matter appear on 23rd September, 2024 under the heading “Contested Application”.

Upon hearing of learned counsel for the petitioner, it appears that the petitioner has made out an arguable case which requires adjudication.

Let all further proceedings being G.R. (S) case no. 1192 of 2019 presently pending before the learned Chief Judicial Magistrate, Kolkata is hereby stayed till 8th October, 2024 or until further order, whichever is earlier.

(Ajoy Kumar Mukherjee, J.)