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2025
Ct. No. 3

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction

C.R.R. 468 of 2025
Anup Kumar Dey
Vs.
The State of West Bengal & Anr.

Dr. Arjun Chowdhury
Ms. Sunayana Parveen
Ms. Riya Agarwal
Mr. Bappaditya Roy
Mr. Aantu Mandal

...For the Petitioner

The petitioner is a developer and the allegation leveled in the FIR that the defacto complainant had purchased a flat for Rs. 14 lakhs from Subir Saha and his wife, who had been allegedly introduced to them by the petitioner. Further allegation is out of said consideration amount of Rs. 14 lakhs, Rs. 2 lakhs was paid as token to the petitioner but the petitioner has refunded the same on 30th December, 2019. The balance payment of the consideration price was directly made to the owners through housing loan disbursed by the LIC Housing Finance Ltd. However, it was detected later on that said purchaser Subir Saha and his wife had already mortgaged the said property with Tata Finance Ltd. which led to the defacto complainant's dispossession.

Being aggrieved by the impugned proceeding learned Counsel appearing on behalf of the petitioner submits that the dispute between the parties is purely civil in nature and the petitioner has no role to play in the alleged offence except the allegation that said Subir Saha and his wife was introduced to the defacto complainant by the petitioner. Since,

the part consideration money of Rs. 2 lakhs, which he had received has already been refunded, so the allegation leveled against the present petitioner is baseless and further continuance of the impugned proceeding against the present petitioner will be mere abuse of process of the Court.

Having heard learned Counsel appearing on behalf of the petitioner, the Application is admitted.

The petitioner is directed to serve a copy of the Application along with a notice upon the State through the office of the learned Public Prosecutor, Circuit Bench at Jalpaiguri and upon the private opposite party through speed post intimating the next date of hearing and to file affidavit-of-service on the returnable date.

Let the matter be listed before the next available Circuit Bench.

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

Having heard learned Counsel appearing on behalf of the petitioner that the petitioner has made out an arguable case which requires adjudication on merit, the impugned proceeding presently pending before the learned Chief Judicial Magistrate, Jalpaiguri, being Bhakti Nagar Police Station Case No. 132 of 2025 dated 09.09.2025 is hereby stayed in respect of present petitioner for a period of eight weeks from date or until further order whichever is earlier.

(Dr. Ajoy Kumar Mukherjee, J.)