



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 1018 of 2023

Abhijit Dutta S/o Late Anil Ranjan Dutta Aged About 68 Years R/o 193 Sahanti - Pally, Flat B, Pushpahar Apartment, Kolkata - 107 (WB).

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Home Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District - Raipur (C.G.)
2. The District Magistrate District - Koriya (C.G.)
3. Station House Officer Police Station - Baikunthpur, District - Koriya (C.G.).

---- Respondents

11-05-2023	Mr. P. N. Bharat, Sr. Advocate with Mr. Kshitij Sharma, Advocate for the petitioner. Ms. Astha Shukla, Dy. GA for the State. Heard on IA No.1, application for grant of interim relief. Learned counsel for petitioner submits that earlier petitioner has filed WP(Cr) No.458/2022 before this Court seeking quashment of FIR and charge-sheet. Considering grounds raised therein as also submission of counsel for petitioner vide order dated 18.08.2022 Court has granted interim protection to petitioner of 'not taking coercive steps against him' for limited period which was extended from time to time. However, vide order dated 10.04.2023 said writ petition was disposed of permitting petitioner to file appropriate proceeding for challenging the charge-sheet. As per FIR and material available in charge-sheet, allegation is with regard to accepting deposit from the beneficiaries by



Rose Valley Hotels & Entertainments Ltd (Company) in the year 2015 and petitioner has been inducted as one of Director of Company. He contended that within short period in the year 2012 petitioner has resigned from the post of Directorship of Company and on the date of alleged commission of offence, if any, petitioner was not forming part of Company and not holding any post. There is no direct allegation in FIR against the petitioner though some of accused persons have been named therein. Even offence alleged in charge-sheet of Section 10 of Chhattisgarh Protection of Depositors Interest Act, 2005 (Act of 2005) would not be attracted as Act of 2005 came into force w.e.f 23.07.2015. As petitioner was not Director of Company, he cannot be charged with any offence as alleged in charge-sheet.

Learned State Counsel opposing submission of counsel for petitioner would submit that as per documents collected by Police during course of investigation, Police found document showing name of petitioner as one of Director of Company and thus he has been made accused in this case. Hence, he is not entitled for any relief as prayed in this petition. However, she submits that she may be granted three weeks' time to file reply.

Considering submissions of counsel for respective parties, copy of resignation letter of petitioner dated 27.01.2012 and accepted by Company on 31.01.2012 (Annexure P-5 & P-6), the fact that petitioner



was extended benefit of interim protection in WP(Cr) No.458/2022, it is directed that no coercive steps shall be taken against the petitioner till the next date of hearing.

List the matter after four weeks.

CC as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

J/-

