

HIGH COURT OF CHHATTISGARH, BILASPUR



Order Sheet

CRMP No.1200 of 2023Abhijit Dutta **Versus** State of Chhattisgarh

21/06/2023	Shri Prafull Bharat, senior counsel with Shri Kshitij Sharma, counsel for the petitioner/s. Shri Kashif Shakeel, Dy.A.G. for the State. Heard on I.A.No.1, application for grant of interim relief. Learned senior counsel for the petitioner submits that 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 in the year 2011. 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 the 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 the petitioner would submit that prima facie case is made out against the petitioner. Hence, he is not entitled for any relief as prayed in this petition. However, he submits that he may be granted three weeks' time to file reply. Considering the submission 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/8 & P/9), purely as an interim measure, it is directed that no coercive steps shall be taken
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against the petitioner till the next date of hearing.

List it in the **week commencing 17th of July, 2023** along with **CrMP No.1018/2023**.

In the meantime, State may file reply.

Sd/-

(**Sachin Singh Rajput**)
Judge

