

Party Name : SANJOY KR. DUTTA & ANR Vs RAJAT KANTI CHAKRABORTY

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This petition under Section 482 of the Code of Criminal Procedure (Cr.P.C) is directed against the order dated 08.11.2012 passed by the learned Sub-Divisional Judicial Magistrate, Dharmanagar, North Tripura in case No.CR 465 of 2012 whereby the learned Magistrate has directed issuance of notice to the petitioners along with other accused persons in a complaint petition filed before the learned trial Court under Section 138 read with Section 142 of the Negotiable Instruments Act.

This Court is not going into the merits of the contentions raised by the learned counsel for the petitioners because of the reason that this petition is highly belated. The order under challenge was passed on 08.11.2012 and the notice was served upon the petitioners in November or December, 2012 because on 22.12.2012 the accused persons namely Sanjoy Kumar Dutta and Smt. Jayita Chakraborty were present in Court. Therefore, from December, 2012 till date they have been appearing before the trial Court. Now, after more than 2½ years they cannot challenge the order which was passed as far back as November, 2012.

Therefore, the petition is rejected solely on the ground that it is highly belated.

It is made clear that this Court has not expressed any opinion on the merits of the issues raised in this Court and the petitioners shall be free to raise these issues at the appropriate stage before the trial Court.