

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
(via- Video Conference)

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 1402 of 2020

Sree Krishna Barman
Vs.
The State of West Bengal & Anr.

For the Petitioner : Mr. Chinmoy Samadder.

For the State : Mr. Swapan Banerjee,
Ms. Purnima Ghosh.

Heard on : 19.10.2020

Judgement delivered on : 19.10.2020

Jay Sengupta, J. :

This is an application praying for quashing of a complaint case being CS 53546 of 2017 presently pending before the learned Metropolitan Magistrate, 10th Court, Kolkata under Section 138 of the Negotiable Instruments Act.

Learned Counsel appearing on behalf of the petitioner submits as follows. Because of the prevailing Covid-19 pandemic situation, the petitioner could not pay certain installments of EMI to the complainant company and although the dues were something in the range of Rs.5,00,000/- (Rupees Five Lakhs) a blank cheque was given earlier was filled up by the complainant with an amount of Rs.10,00,000/- (rupees ten lakhs) and presented for encashment. After being pointed out that the

case is of 2017 and the non-payment could not have been due to the prevailing pandemic situation, learned Counsel for the petitioner corrects himself and says that due to certain other difficulties, the petitioner could not pay the dues. However, he disputes the amount of Rs.10,00,000/- (Rupees Ten Lakhs) as being the due as on the date of filing of the complaint.

It appears that the trial is going on. Since the accused was absent, a warrant of arrest was issued against him on 19.02.2020.

The grounds agitated on behalf of the petitioner are all disputed questions of fact and cannot be decided in an application under Section 482 of the Code, that too at the stage of trial.

In view of the above, I do not find any merit in this application. Accordingly, the revisional application is dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)