

CRR 987 of 2020

with

CRAN 1 of 2021

In re : An application for bail under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Kaushik Gupta**

..... petitioner

Mr. Subhendu Bhattacharjee

.....For the petitioner

Mr. Siddhartha Sarkar

.....For the opposite party no. 1

The petitioner namely, Kaushik Gupta has filed this application for quashing the said proceedings initiated under Section 138 of the Negotiable Instruments Act, 1881, *inter alia*, on the ground that issuance of the summons was illegal.

It appears that the petitioner was an accused in the complaint filed under Section 138 of the Negotiable Instruments Act, 1881. The summons, however, was issued by the learned Magistrate against one Kamaruzzaman Chowdhury, recording a finding that there was sufficient ground to proceed against one Joydeb Mondal on March 5, 2019.

In course of hearing, the opposite party no. 1 was directed to file a supplementary affidavit to disclose the application that has been filed for correction of the order dated March 5, 2019, passed by the learned Magistrate in the Court below.

Such a supplementary affidavit has been filed, and the copy thereof has also been served upon the petitioner.

It appears that the opposite party no. 1 has filed an application before the learned Magistrate in the Court below on December 28, 2020, for correction of the order.

In view of the fact that the said application is pending before the learned Magistrate, this application is disposed of with a direction upon the learned Judicial Magistrate, 1st Court at Basirhat, North 24-Parganas, to dispose of the said application filed on December 28, 2020, in accordance with law within a period of one month from date by preponing the next date of hearing.

The applications being CRR 987 of 2020 and CRAN 1 of 2021 are disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)