

D/L 37.
September
6, 2021
Bpg.

C.R.R. No.2232 of 2012
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure.

Mrs. Debjani Dutta and Ors.
Versus
Dipankar Rudra & Anr.

The subject-matter of challenge before this Court relates to C.R. Case No.356 of 2011 under Sections 420, 120(B) of the Indian Penal Code.

The crux of the argument is that as under Section 138 of the Negotiable Instruments Act case has been initiated by the complainant in C.R. Case No.352 of 2011, the proceedings under Sections 420/120(B) of the Indian Penal Code cannot continue.

Having regard to the settled principles of law that both the case can proceed simultaneously, I am of the view that the plea so taken by the petitioner are to be tested on the anvil of the facts brought before the trial court. As such, no interference is called for at this stage.

Accordingly, CRR 2232 of 2012 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)

