

23.09.2021
Ct No. 34
SL. No. 6
Rakib (PA)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Through Video Conference)**

CRR 3121 of 2012

In the matter of : Hasmukh S. Panchmatiapetitioner.

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

The present revisional application has been preferred challenging the complaint case being C/12086 of 2011 under Section 138/141 of the Negotiable Instrument Act pending before the learned Metropolitan Magistrate, 14th Court at Kolkata.

The records of the revisional application reflect that the grievance of the petitioner is based on the Photostat copy of the annual report and some letters issued by the directors of the Company. It is also reflected that the petitioner has relied Photostat copies of documents relating to Form 20B. None of the documents enclosed along with the revisional application are certified copies of the Court below.

As such it would not be prudent to rely upon those documents and arrive at a final conclusion. The nature of the contention so advanced is at the preliminary stage when the learned Magistrate issued process and, prima facie, appears to be a question of facts which are to be adduced by way of evidence in course of trial. No persuasion has been made by the petitioner since the year 2013 for disposing the revisional application.

Having regard to the aforesaid, I am of the view no interference is called for at this stage.

Accordingly, CRR 3121 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.)