

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 1897 of 2020

Raj Vardhan & Ors.
Vs.
The State of West Bengal & Anr.

For the Petitioners : Mr. Sabyasachi Banerjee
Mr. Ritoban Sarkar
Mr. Soumya Nag
Mr. Subhadeep Adhikari

For the O.P. No. 2 : Mr. V. Wadehra

Heard on: : 28th January 2021

Judgment on : : 28th January 2021

The Court:

It appears that an inadvertent typographical error has crept into the order dated 22.01.2021 passed in this revision.

At the fourth line of the said order instead of "28.02.2021", it should actually be "28.01.2021".

The inadvertent typographical error is hereby corrected and the order dated 22.01.2021 shall always be read conjointly with this order.

This is an application for quashing of a proceeding under Section 138 read with Section 141 of the Negotiable Instruments Act.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners were the independent directors of the accused company and they were in no way connected with daily running of the business of the company. Nor were they in charge of the company at the relevant point of time. As such, the impugned proceeding ought to be quashed qua the present petitioners.

Learned Counsel appearing on behalf of the complainant / opposite party no. 2 submits as follows. A vakalatnama bearing no. 1395 has been filed on behalf of the complainant / opposite party no. 2. It has transpired that the petitioners are the independent directors of the accused company. As such, the complainant would not like to prosecute the present petitioners before the learned Trial Court and hence, the proceeding may be quashed so far as the present petitioners are concerned.

I have heard the submissions of the learned advocates appearing on behalf of the parties and have perused the revision petition.

In view of the fact that the complainant / opposite party no. 2 does not want to proceed with the case against the present petitioners, I quash the impugned proceeding so far as the present petitioners are concerned.

The learned Trial Court shall proceed against the other accused.

With these observations, the revisional application is disposed of.

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

(Jay Sengupta,J.)