

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**I.A. No : CRAN/2/2022
In
C.R.R. 80 of 2022
Chandi Prasad Poddar
Vs.
Tarashakti Realtors Pvt. Ltd.**

For the petitioner : Mr. Sachit Talukdar, Adv.

For the O.P. : Mr.R. Ghosh, Adv.

Heard on : 22.07.2022

Judgment On : 22.07.2022.

Bibek Chaudhuri, J.

Affidavit-of-service be kept with the record.

The instant revision is listed for hearing of an application for extension of interim order. At the time of hearing this Court is of the view that the instant revision can be disposed of on the basis of the submissions made by the learned Advocate for the petitioner and the opposite party.

The petitioner has come up before this Court with a prayer to quash a proceeding being CS/26452/2021 under Section 138 read

with Section 141 of the Negotiable Instruments Act pending before the learned Metropolitan Magistrate, 4th Court, Calcutta.

It is pleaded by the petitioner that the petitioner was an erstwhile Director of the M/s. Arcuttipore Tea Company Limited. He tendered his resignation from Directorship of the said Company on 13th March, 2020. The impugned cheque was issued on behalf of the Company on 15th January, 2021. Therefore, the petitioner was not the Director on the date of issuance of the cheque and a case of vicarious liability cannot be attributed to the petitioner.

Learned Advocate for the opposite party/complainant is clearly submitted that the petitioner was wrongly erred as an accused in the complaint under Section 138/141 of the Negotiable Instruments Act. The opposite party/complainant has no grievance if the proceeding in the Trial Court be quashed as against the present petitioner with liberty to the opposite party to proceed with the said case as against the Company and other accused persons who are vicariously liable under Section 141 of the Negotiable Instruments Act.

As the case of the petitioner is accepted by the private opposite party/complainant, further proceeding in Complaint Case No. CS/26452/2021 pending before the learned Metropolitan Magistrate, 4th Court at Calcutta be quashed as against the present petitioner only. The opposite party/complainant is permitted to proceed with

the said case in the Trial Court against the remaining accused persons. With the above order, the instant revision is **disposed of**.

Connected applications, if any, are also disposed of.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.14.
D/L.***