

22.02.2022

Item No.58
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 334 of 2020
(Via Video Conference)

Biprojit Sen
versus
Tej Pratap Singh Chadha

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure filed for quashing of the proceedings being CS/99616 of 2018 under Section 138 of the Negotiable Instruments Act, 1881 pending before the learned Metropolitan Magistrate, 10th Court, Calcutta.

Mr. Soumajit Das Mahapatra ... For the Petitioner.

Mr. Dhananjay Banerjee,
Mr. Anirban Gope ... For the Opposite Party.

Affidavit-of-service filed in Court today be kept on record.

The present revisional application has been preferred challenging the continuance of the proceedings being CS/99616 of 2018 under Section 138 of the Negotiable Instruments Act, 1881 pending before the learned Metropolitan Magistrate, 10th Court, Calcutta.

Learned advocate appearing for the petitioner submits that the manner in which the petition of complaint has been preferred and cognizance has been taken by the learned Magistrate is against the settled principles of law. To that effect, the learned advocate has drawn the attention of this Court to certain documents including agreement which was entered into between the parties.

Learned advocate for the complainant/opposite party is present and rebuts the contention advanced by the learned advocate appearing for the petitioner.

Having regard to the issues which have been canvassed in this revisional application as also argued before this Court, I am of the opinion that the same exclusively relate to issue of facts, based on documents which are to be presented before the learned trial court in course of evidence of the case for appropriate rebuttal of Section 139 of the Negotiable Instruments Act. Having regard to the same, I am of the opinion that no interference is called for at this stage.

Accordingly, the revisional application being CRR 334 of 2020 is dismissed.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

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

(Tirthankar Ghosh, J.)