

11-04-2022
Subha
Item no.40
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 193 of 2013

In the matter of : Sri Ajoy Kumar Sarkar & Anr.

.....petitioners.

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

Mr. Anwar Hossain
Ms. Manisha Sharma

.....for the State.

The present revisional application has been preferred challenging the order dated 24.12.2012 passed by the learned Additional Chief Judicial Magistrate, Bidhannagar, Salt Lake City in connection with Bidhannagar (South) Police Station Case dated 18.08.2008 under Sections 406/420/114 of the Indian Penal Code.

As none appears on behalf of the State, Ms. Manisha Sharma, learned advocate, who ordinarily appears on behalf of the State, is directed to appear in this matter. Her appointment may be regularized by the concerned authorities in due course.

On perusal of the order dated 24.12.2012, I find that the only contention which has been raised is that another case being Complaint Case No. C-522 of 2007 under Section 138 of the Negotiable Instruments Act was initiated against the petitioner no. 2 and the subject matter of the same relates to cheque.

Be that as it may, there is no bar for a proceeding under sections 406/420/114 of the Indian Penal Code to continue even if the case under Section 138 of the Negotiable Instruments Act has been filed. It is settled principle of law that both the proceedings can continue parallelly and there is no bar. Thus, no interference is called for.

Accordingly, the revisional application being CRR 193 of 2013 is dismissed.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]