

08.12.2022

Item No.16
Ct.No.34
dc.

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

C.R.R. 465 of 2021

**Midnapore City College & Ors.
versus
Indranath Pailan**

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

Ms. Rajlakshmi Ghatak ... For the Petitioners.

The present revisional application was preferred challenging the proceedings being C Case No. 453 of 2019 under Section 138 read with Section 141 of the Negotiable Instruments Act pending before the learned Metropolitan Magistrate, 14th Court, Calcutta.

The main thrust of argument of the present petitioners is that the complainant filed the case under Section 138 of the Negotiable Instruments Act representing himself to be a partner of M/s. Alphabet Books. However, no assertion or document has been placed before the court that the complainant was authorized by the other partners to represent the partnership firm and for initiating the complaint case on behalf of the complainant firm.

Having regard to the concept of partnership, the issue raised by the petitioners may not be relevant at this stage. However, the same may be an issue at the subsequent stage of the proceedings. Having regard to the contentions raised by the petitioners before this Court, I direct that the issue so canvassed be allowed to be argued at the final stage of the

case after the evidence is over before the learned trial court.

Thus, no interference is called for at this stage.

With the aforesaid observations, the revisional application being CRR 465 of 2021 is disposed of.

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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)