

20.09.2022

Item No.57

Ct.No.34

dc.

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

C.R.R. 713 of 2021

**Karan Saluja
versus
Pawan Kawtia**

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

Mr. Amal Kumar Banerjee ... For the Petitioner.

Supplementary affidavit filed on behalf of the petitioner be kept on record.

Learned advocate appearing for the petitioner submits that although the dues of the petitioner were to the tune of Rs.1,07,000/- (approx.), but the cheque which has been presented for encashment by the opposite party is to the tune of Rs.2,00,000/-. Learned advocate has relied upon a judgement of Delhi High Court in ***Starkey Laboratories Indian Pvt. Ltd. Vs. Sanjay Gujral***. The said order dated 24.09.2019 was passed by the Hon'ble Delhi High Court in a case where trial has been concluded and observation in paragraph 8 of the said judgement is that the complainant has been unable to establish that the cheque was issued by the respondent against any liability. Naturally, the whole rigour of trial was crossed before arriving at such a finding.

This revisional application has been filed for quashing of the proceedings under Section 138 of the Negotiable Instruments Act. Records do not reflect that examination-in-chief and cross-examination are over. Having regard to the

stage at which the petitioner approached this Court, I am of the opinion that there is no scope for interference.

The petitioner will be at liberty to agitate the points in course of the trial by way of cross-examination or by adducing defence evidence.

With the aforesaid observations, the revisional application being CRR 713 of 2021 is disposed of.

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.

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

(Tirthankar Ghosh, J.)