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April 18,
2022
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C.R.R. No.495 of 2013

In Re: An application under Section 401/397 read with 482 of the Code of Criminal Procedure;

M/s. Bava Mines and Minerals Private Limited
Versus
M/s. Srei Equipment Finance Private Limited & Anr.

The present revisional application has been preferred challenging the Complaint Case No.C/21685 of 2012 pending before the learned Metropolitan Magistrate, 14th Court, Calcutta.

The subject matter of contention was that there were no enforceable debts and/or liabilities prevailing on the day when the cheque was dishonoured and the cheque was presented by the complainant which was kept as security.

Having regard to the contentions advanced in the revisional application, I am of the opinion that the same is a question of fact and the issue of security does not deter the complainant from preferring a proceeding under Section 138 of the Negotiable Instruments Act provided there are accrued dues. Thus, no interference is called for so far as the merits of the revisional application is concerned.

Accordingly, CRR 495 of 2013 is dismissed.

Pending application, if any, is consequently dismissed.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)

