

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 1359 of 2022

Alok Kumar Laha

Vs.

Bayer Cropscience Limited

For the Petitioner : Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mr. Abhishek Bose.

Heard on : 28.04.2022

Judgement on : 28.04.2022

Jay Sengupta, J. :

This is an application praying for quashing of a complaint case under Section 138 of the Negotiable Instruments Act.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner was a distributor under the complainant/opposite party of certain goods. A cheque in question was deposited with the complainant as a security. As the consignment sent to the petitioner for distribution contained expired goods, the same were returned to the complainant/opposite party with e-mail mentioning about the nature of goods. However, as the date was put on the cheque kept with the complainant as a security, the same was presented for encashment.

Therefore, there is no consideration behind the issuance of the cheque and consequently, the present proceeding cannot be sustained.

I have heard the submissions of the learned Counsel appearing on behalf of the petitioner and have perused the revision petition.

The e-mail that the petitioner proposes to rely on is not a document of sterling quality or unimpeachable character. Moreover, since this is a defence document, this cannot be looked into at this stage. On this, reliance is placed in the case of ***State of Orissa Vs. Debendra Nath Padhi*** reported in (2005) SCC (Cri) 415.

In any event, the points taken up by the petitioner before this Court essentially involve disputed questions of fact which cannot be gone into in an application for quashing.

Therefore, I do not find any merit in this application.

Accordingly, the revisional application is dismissed.

However, there shall be no order as to costs.

The petitioner shall be at liberty to raise all the points taken up in this application before the learned Trial Court at an appropriate stage.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)