

CRR 862 of 2015

In the matter of:- SMS Taxicabs Pvt. Ltd. & Ors.
.....Petitioners.

-vs-

M/s. SREI Equipment Finance Pvt. Ltd.

None appears on behalf of the petitioners.

The present revisional application has been filed by the petitioners under Section 482 of the Code of Criminal Procedure for quashing of the proceedings of Case No. C/14742 of 2014 under Section 25 of the Payment and Settlement Systems Act, 2007 pending before the Court of the learned Metropolitan Magistrate, 7th Court at Calcutta.

The brief fact of the case is that the opposite party-complainant through its constituted attorney filed a complaint before the learned Chief Metropolitan Magistrate at Calcutta under Section 25 of the Payment and Settlement Systems Act, 2007 against the petitioners. The learned Chief Metropolitan Magistrate took cognizance of the offence and transferred the case for enquiry and disposal to the file of learned Metropolitan Magistrate, 7th Court at Calcutta. The learned Magistrate upon primary satisfaction issued process against the petitioners. Being aggrieved by and dissatisfied with the said order, the petitioners have preferred for the present revisional application.

It appears from order dated 21.6.2014 and 18.07.2014 that the learned Trial Magistrate examined the complainant under Section 200 of the Code of Criminal Procedure and

enquired under Section 202 of the Code. Thereafter, on finding sufficient grounds issued summons against the petitioners under Section 138 of the Negotiable Instruments Act.

Accordingly, I do not find any illegality or impropriety with impugned order.

In the aforesaid backdrop, the present revisional application being CRR 862 of 2015 is dismissed.

It is, however, made clear that above observation made herein above shall not have any bearing on the rights and contentions of the parties before the trial court. All issues are kept open with liberty to the parties to raise the same at an appropriate stage of trial.

Let a copy of the order along with the Lower Court Record be sent down at once to the learned court below for information and taking necessary action.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)