

15-03-2022
Subha
Item-103
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 1474 of 2019

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : ***Green Concretex Global Ltd. & Ors.***
...Petitioners.

Mr. Somopriya Chowdhury
Mr. Dwip Raj Basu
.....for the Petitioners.

Mr. Anirban Dutta
Mr. Aditya Roy
.....for the O. P. No.2.

Mrs. Sujata Das
....for the State.

Mr. Chowdhury, learned advocate appearing on behalf of the petitioners submits that the present proceedings were maliciously instituted and the cheques which were in custody of the opposite party no.2 were malafidely utilized for invoking the provisions of Section 138 of the N. I. Act.

Learned advocate for the petitioners refers to the various documents including the fact that the civil suit is pending between the parties and it is his submission that the opposite party is completely secured pursuant to the directions passed by this court.

Learned advocate also tries to draw the attention of the court that there is no liability of the complainant/opposite party

which can be legally enforced and the present petitioners have been unnecessarily compelled to face the ordeal of trial.

Mr. Dutta, learned advocate for the opposite party on the other hand raises objections to the submissions of Mr. Chowdhury. Learned advocate submits that the case is unnecessarily being dragged and number of dates has been fixed for examination of Defence Witnesses.

Be that as it may, as the stage before the learned Magistrate is just prior to the final argument being conducted, I am of the opinion that the points which have been canvassed in this revisional application are to be adjudicated at the final argument of the case before the learned trial court and cannot be considered at this belated stage by this court in this revisional application.

With the aforesaid observations, the revisional application being CRR 1474 of 2019 is disposed of.

. All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a website copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)

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