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22.12.2022
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C.R.R.1789 of 2021

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

Archon Powerinfra India Pvt. Ltd. and others
Versus
Sajan Kumar Satish Kumar a partnership firm

Mr. Farooque Ali,
Mr. Faizan Md. Zafar.
...for the petitioners.

The petitioners are aggrieved by the continuance of the proceedings being CN/26/19 under Sections 138/141 of the Negotiable Instruments Act, 1881 pending before the learned Metropolitan Magistrate, 14th Court, Calcutta.

The foundation on which the application for quashing has been preferred before this Court relates to the factum that the subject matter of cheque which, according to the petitioners, were kept as security has been encashed without there being any enforceable debt or liability.

The other grievance which has been expressed by the petitioners is the statutory deposit which has been directed by the learned Metropolitan Magistrate, 14th Court, Calcutta under Sections 143A of the N.I. Act.

In view of the contentions raised by the petitioners so far as their prayer for quashing of the same, I am of the opinion that the same is exclusively related to question of facts which is to be placed for rebuttal of the prosecution evidence before the learned

trial court. This Court in a proceeding under Section 482 of the Code of Criminal Procedure will not appreciate the documents which have been enclosed in the revisional application.

So far as the statutory deposit under Section 143A of the N.I Act is concerned and in view of the anxiety expressed by the petitioners, I direct that the petitioners would within a period of four weeks deposit the statutory amount under Section 143A of the N.I. Act as earlier directed by the learned Magistrate. The said amount would be retained by the court in its treasury and will not be reimbursed in favour of any party till the final disposal of the trial by the learned Metropolitan Magistrate, 14th Court, Calcutta.

With the aforesaid observations, CRR 1789 of 2021 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)