

29.11.2022
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SB
Ct. No.236

CRR 2241 of 2006

In the matter of : Prakash Chandra Gupta

Mr. Smartajit Sarkar ... for the petitioner

Mr. N.P. Agarwal
Mr. P. Bose ... for the State

This is an application under Section 482 of the Cr.P.C. filed by the petitioner seeking an order of quashment qua the proceeding pending before the learned Metropolitan Magistrate, 11th Court, Calcutta being Case No. C-3869 of 2005 under Section 420 of the I.P.C.

Briefly stated Sri Raj Kumar Singh, an authorized representative of M/s. Supertron Electronics Ltd. filed the petition of complaint against the petitioner stating inter alia that the accused person impressed the complainant by his glossy and sparkling appearance and complainant decided to transact the business with the accused person. The accused person used to procure electronic materials from the company and used to make payment from time to time. Thus he gained the confidence of the company and after procuring certain articles of worth Rs. 69,000/- he issued a post dated cheque in favour of the company drawn on Punjab National Bank, Habibganj Branch, Bhopal which was dishonoured and from the return memo the complainant came to know that the cheque was not encashed under the instruction of the accused person. Thereafter, the complainant filed the petition of complaint and the learned Trial Court having considered the prima facie case was pleased to issue process under Section 420

of the I.P.C. The accused person surrendered to the jurisdiction of the learned Trial Court and he was enlarged on bail. Thereafter, this petition under consideration was filed. Since the process was issued by the learned Trial Court having found the prima facie evidence, I do not consider it expedient to invoke the provision of Section 482 of Cr.P.C. to quash the proceeding at this stage.

The petition merits no further consideration and is dismissed without any order as to costs.

The interim order, if any, stands vacated.

The copy of the order be sent down to the learned Trial Court for information and necessary action.

The parties shall act upon the server copy 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 completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)