

13.06.2022

ss

C.R.R. 3232 of 2018

In the matter of : Malay Kumar Hazra
Vs.
HDFC Bank Ltd. & anr.

Mr. Swapan Kumar Mallick	
Mr. Sabyasachi Mondal	
Ms. Sudeshna Das	
Mr. Sayan Mukherjee	... for the petitioner
Mr. Kaushik Chatterjee	
Ms. Mouli Sarkar	... for the O.P. No.1
Ms. Sreeyashee Biswas	... for the State

It is submitted on behalf of the petitioner that the drawer of the cheque namely, Indra Hazra Mukherjee died on 19.2.2015 and in respect of the same a copy of the certificate issued by the Kolkata Municipal Corporation has been annexed as annexure P2. It is also submitted that the other joint account holder was not the drawer of the impugned cheque.

In view of the above fact that Indra Hazra Mukherjee, who had alone drawn the cheque, died and the liability under Section 138 of the Negotiable Instruments Act cannot be imposed upon the heirs of the deceased, or upon joint account holder, who had not drawn the cheque, the entire proceeding being C.Case No.2096 of 2017 is hereby quashed.

Accordingly, C.R.R.3232 of 2018 is disposed of.

Let copy of the cheque showing that the impugned cheque was signed by Indra Hazra Mukherjee, is kept on record.

(Ajoy Kumar Mukherjee, J.)