

13.05. 2022
item No.32
n.b.
ct. no. 34

CRR 4069 of 2017
+
IA No. CRAN 3 of 2019(Old No. CRAN 1187 of 2019)

Damodar Prasad Sutodia & Anr.
Vs.
State of West Bengal & Anr.

Mr. Ayan Bhattacharjee,
Mr. Somdev Ash,
Mr. Suman Majumder
.... For the petitioners.

Mr. Ranajit roy,
Mr. Debrup Bhattacharya,
Ms. Ananya Das,
... for the opposite party.

Mr. Bhattacharjee, learned advocate appearing for the petitioners prays for quashing of the proceedings relating to complaint case no.CS/0092548 of 2016 under Sections 138/141 of the Negotiable Instruments Act pending before the learned Metropolitan Magistrate, 6th Court at Calcutta.

Learned advocate for the petitioners emphasizes on the innocence of the petitioners before this court namely, Damodar Prasad Sutodia and Rohini Sureka.

Mr. Roy, learned advocate appearing for the complainant submits that the allegations made in the petition of complaint do satisfy the requirements for proceeding with the trial of the case.

I have considered the allegations made in the petition of complaint vis-à-vis the contentions in the revisional application advanced by the petitioners.

Having regard to the contentions advanced in the revisional application in the back ground of the allegations made in the petition of complaint, I am of the opinion that the issues of innocence as prayed for by the petitioner, are question of facts which are to be adjudicated at the stage of trial and summarily the same cannot be decided by this Court at this stage. As such no interference is called for.

The petitioners are granted liberty to agitate points canvassed in the revisional application at the appropriate stage of the trial.

Accordingly, CRR 4069 of 2017 is disposed of.

All pending connected applications, if any, are consequently disposed of.

Interim order, if any is hereby vacated.

As the cause of action of the case arose in the year 2016, I direct the Learned Magistrate to expedite the progress of the trial and fix the matter one day in every two months so that the progress of the case can be completed within a reasonable period of time.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)