

D/L37
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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

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

C.R.R 44 of 2022

Narayan Debnath @ Naru
Versus
The State of West Bengal and another

Mr. Abhinaba Dan.
...for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom,
Mr. Biswarup Ray.
...for the State.

The revisional application was preferred challenging the proceedings arising out of Kotwali Police Station Case No.254 of 2016 dated 11.05.2016 for the alleged offence under Sections 420/34 of the Indian Penal Code.

Learned advocate appearing for the petitioner submits that in respect of selfsame amount, two cases have been instituted, one under the provisions of Section 138 of the Negotiable Instruments Act and the other under the provisions of Sections 420/34 of the Indian Penal Code. It has also been brought to the notice of this Court that the allegations made in the complaint under Section 138 of the Negotiable Instruments Act relate to an amount of loan and its refund. In the letter of

complaint addressed to the Officer-in-Charge of Kotwali Police Station, Jalpaiguri it is alleged that such amount was obtained by promising that the petitioner would assist in the success of the examination of the complainant.

The allegations in the two cases are completely different and the foundation of facts are also completely different. Consequently, pendency of the complaint under Section 138 of the Negotiable Instruments Act cannot be a bar for continuation of the proceedings under Sections 420/34 of the Indian Penal Code. Accordingly, no interference can be made in respect of the prayers advanced in this application.

Thus, CRR 44 of 2022 is dismissed.

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.

(Tirthankar Ghosh, J.)