

M/L56
05.06.2023
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C.R.R. 16 of 2023

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

Sri Beeravally Srinivasa Rao
Versus
State of West Bengal and another

Mr. D. Banerjee,
Mr. Abir Das.

...for the petitioner.

Learned advocate appearing for the petitioner has challenged the continuance of the proceedings being CN 1121 of 2022 pending before the learned Metropolitan Magistrate, 11th Court, Calcutta.

The main thrust of contention is that, although the agreement which was entered into was not complied with, but the complainant has malafidely used the cheque by receiving the same from the person to which it was handed over. There are factual complicity in the case and the agreement relied upon is to be appreciated in order to arrive at a finding whether the cheque was issued for discharge of any legally enforceable debt or liability.

Having considered such submissions, I am of the view that this Court while exercising its inherent jurisdiction under Section 482 of the Code of Criminal Procedure is not empowered to conduct a summary trial. Petitioner may have a case for rebuttal of the prosecution allegations. As such, the petitioner is granted liberty to lead oral and documentary evidence in course of the trial

before the learned Metropolitan Magistrate, 11th Court, Calcutta. Additionally, petitioner would be at liberty to canvass all the points which have been advanced in the present revisional application at the appropriate stages of the case.

With the aforesaid observations, CRR 16 of 2023 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.)