

11.10.2023

Item No.22

ss/SD

C.R.R. 526 of 2023

In Re: An application under Section 397/401 of the Code of Criminal Procedure, 1973

Ashok Kumar Bhunia

Vs.

The State of West Bengal & anr.

Ms. Diksha Ghosh

Mrs. Aafreen Parveen

... for the petitioner

Petitioner challenges the quashing of the complaint case No. C.R.185 of 2021 pending before the learned Magistrate 2nd Court, Tamluk under Section 138 of the Negotiable Instruments Act.

Learned Advocate for the petitioner draws attention of this Court to the bank statement of the Indian Bank and submits that the whole amount for which the present case has been initiated and is covered by the dishonoured cheque has already been disbursed and as such there is no liability.

Learned Advocate for the petitioner draws attention of this Court to the reply of the notice.

Taking into account the contention regarding disbursement of the amount as well as reply to the notice, I am of the opinion that the reply to the notice did not state regarding the amount being refunded.

Having considered the issue, I am not inclined to interfere with the proceeding at this stage.

Petitioner would be at liberty to canvass the issue during the cross-examination and/or at different stage of the trial of the case.

With the above observations, this revisional application being CRR 526 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)