

14-09-2023
Subha
Item no. 14
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 643 of 2023

Shambhunath Jajodia and Ors.
-versus-
Devika Fin-vest & Stocks Pvt. Ltd.

Mr. Debrup Bhattacharjee
Mr. Pradeep Kumar Tulsyan
Mr. Tirhankar Dey
.....for the petitioners.

Learned advocate of the petitioners submits that after initiation of the instant case the proceedings being CS/1490/2020 under the relevant provisions of Sections 138/141 of the N. I. Act the complainant has accepted interest.

. According to the learned advocate on the date of cause of action there was no debt or existing liability and the learned Metropolitan Magistrate, 20th court, Calcutta has been erroneously proceeding with the present case. I have checked the records of the case and I find that the examination under Section 251 of the Code of Criminal Procedure was over, and the evidence of the case has already commenced. The issues which have been canvassed in the present revisional application relate to question of facts. The same is to be considered by the learned trial court. This court while exercising its powers under Section 482 of the Code of Criminal Procedure will not in a summary manner consider the question of facts for arriving at a conclusion. Petitioners would be at liberty to canvass such points in course of cross-examination

which is to be held before the learned trial court.

With the aforesaid observations, the present revisional application being CRR 643 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]