

04.01.2023

Item No.26
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 597 of 2021
with
CRAN 2 of 2022**

**Shree Ram Todi
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 read with Sections 397/401 of the Code of Criminal Procedure, 1973.

This revisional application was preferred challenging the proceedings being CN 9 of 2019 pending before learned Metropolitan Magistrate, 8th Court, Calcutta under Section 138 read with Section 141 of the Negotiable Instruments Act. The contention advanced by the petitioner is that the petitioner has never dealt with the complainant. He was never the partner of the partnership firm as alleged in the complaint. No specific role of the petitioner has been described in the petition of complaint and the petitioner is simply the son of one of the accused persons and in order to pressurise him, the instant complaint has been initiated against the present petitioner.

I have assessed the contention and it has been settled by the Hon'ble Supreme Court in **S.P. Mani and Mohan Dairy Vs. Dr. Snehalatha Elangovan** reported in **2022 SCC OnLine SC 1238** that it is not possible for the complainant to ascertain who is the authorised representative of the firm or company. The plea that the petitioner has never dealt with the complainant, is a question of fact which cannot be

decided by this Court at this stage. As such, no interference is called for.

Accordingly, the revisional application being CRR 597 of 2021 is dismissed.

Pending connected application 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 with all requisite formalities.

(Tirthankar Ghosh, J.)