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12-10-2023
Ct. No.34
b.das

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

CRR No. 958 of 2023

In the matter of : Sanjay Paul Petitioner.

Re: An application under Sections 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Subrata Bhattacharjya
Mr. Shipra Santra ...for the petitioner.

The petitioner is aggrieved by continuance of the case being Case No.116C of 2019 which is pending before the learned Judicial Magistrate, 3rd Court, Bishnupur under Section 138 of the Negotiable Instruments Act.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that in respect of the subject matter of the cheques general diary entry was lodged by the present petitioner. Specific allegations have been made against the complainant so far as the cheque is concerned, that there are no legally enforceable liability for which the present case should continue. Reply to the notice was served under the relevant provisions of the Negotiable Instruments Act. In spite of the same, the petitioner is directed to face the trial.

Learned advocate for the petitioner has also taken the Court to the issues so canvassed. The issues are to be

appreciated only on the anvil of test of cross-examination which can take place after the trial commence.

Accordingly, the petitioner is granted liberty to canvass all the points at the time of cross-examination at the stage of Section 313 of the Code of Criminal Procedure and at the time of final argument of the case.

With the aforesaid observation CRR 958 of 2023 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Tirthankar Ghosh, J.)