

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 1057 of 2023

Mr. Kiranjit Dutta

Vs.

The State of West Bengal & Anr.

**For the petitioner : Mr. Dipanjan Chatterjee, Adv.
Mrs. Shaila Afrin, Adv.
Mr. Rudra Prasad Sinha, Adv.
Mrs. Joyita Banerjee, Adv.**

Heard on : 10.05.2023.

Judgment On : 10.05.2023.

Bibek Chaudhuri, J.

The petitioner was an employee under the opposite party No.2. During lockdown the office of the opposite party No.2 was closed and he was allegedly directed by his superior to report after the office opens. Office of the opposite party No.2 opened but he was not called. He contacted with his authorities. Then it was notified to him that he has been terminated from service. Subsequently, on receipt of a notice he came to know that the opposite party No.2 has instituted a case under Section 138 of the Negotiable Instruments Act against him for dishonour of cheque amounting to Rs.7,50,000/-. It is submitted by the petitioner that before

institution of the said complaint under Section 138 of the Negotiable Instruments Act –

- (i) no notice under Section 138(b) of the Negotiable Instruments Act was served upon him;
- (ii) the cheque in question was taken as a security deposit at the time of his employment by the opposite party No.2;
- (iii) he has no existing debt or liability which he was liable to discharge and;
- (iv) the complaint case was filed by committing fraud upon the complainant.

All the above-mentioned issues are the issues of fact which can only be decided on the basis of evidence adduced by the parties at the time of trial. A Revisional Court cannot effectively give any answer to the above-mentioned issues.

Therefore, at this stage, I do not find any reason to interfere with the instant revision. Accordingly, the instant revision is summarily dismissed.

However, the Trial Court is directed to give answer to the issues during trial, which will be concluded expeditiously.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.18.
D/L.**