

18.01.2023
S/L No.33
KS

C.R.R. 880 of 2021
RCM Infraprojects Private Limited
-Vs.-
Ganeshaya Projects Private Limited & Ors.

The present revisional application was preferred challenging the order dated 13th November, 2020 passed by the Learned Metropolitan Magistrate, 20th Court, Kolkata in connection with CNS/ 527/ 2020.

The grievance of the petitioner is that the case is made out not only under Sections 138 / 141 of the N.I. Act, but also under Section 420 of the Indian Penal Code and the learned Magistrate on perusal of the materials was pleased to issue process under Sections 138 and 141 of the N.I. Act.

Records of the revisional application reflect that the revisional application was admitted on 24th March, 2021 and since then there has been no persuasion. More than one year and nine months have been passed. No information has been furnished regarding the latest stage of the proceedings before the learned Trial Court.

Having considered the same, I am of the opinion that no interference is called for in respect of the order dated 13th November, 2020 passed by the Learned Metropolitan Magistrate, 20th Court, Kolkata. Petitioner would be at liberty to take out a separate complaint under Section 420 of the Indian Penal Code, if so advised.

With the aforesaid observations, C.R.R. 880 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)