

02.03.2023
Ct. No.34
S/L No.31
KS

C.R.R. 987 of 2021
With
IA No. CRAN 1 of 2021
+
CRAN 2 of 2021
Smt. Mamta Mukherjee & Anr.
-Vs.-
State of West Bengal & Anr.

Mr. Arijit Ganguly
Ms. Debjani Sahu

.....For the State

None appears on behalf of the petitioners.

Ms. Sahu, learned advocate appears on behalf of the State.

The proceedings under challenge relate to the provisions of Negotiable Instruments Act. The petitioners have challenged the order taking cognizance of the offence and issuing process against them. The allegations made in the petition of complaint do make out a prima facie case for proceeding with the trial.

Having regard to the fact that there were transactions which were accepted and the issues so canvassed were relating to the manner in which the proceedings were initiated in spite of the notice sent under the SARFAESI Act, I am of the opinion that the said points or issues are to be produced in evidence before the learned Trial Court and the High Court cannot invoke its jurisdiction under Section 482 of the Code of Criminal Procedure to decide the issues summarily.

In view of the aforesaid observations, no interference is called for.

Accordingly, C.R.R. 987 of 2021 is dismissed.

Pending applications, if any, are consequently dismissed.

Interim order, if any, is hereby vacated.

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.)