

05.12.2023
Serial no. 55
[G.S.D]

CRR 1216 of 2023

In the matter of : Dr. Rajiv Kumar Verma

... .. Petitioner

Mr. S. Choudhury

... For the petitioner

The petitioner has challenged the proceeding being CS 8248 of 2023 which is pending before the Id. Metropolitan Magistrate, 12th Court, Calcutta.

Ld. advocate for the petitioner submits that the finance company itself happens to be the insurance company and there was theft of the two wheeler. When the insurance company denied to pay the amount, as such, the petitioner stopped to pay the installments. The plea taken by the petitioner is a question of fact which can only be decided in course of the trial.

The other issue which has been canvassed by the petitioner is that the provision of section 202 of the cr.p.c. is to be applied.

So far as the provisions of N.I. Act are concerned, the procedure for issuance of process itself is exhaustive. It is not only the oral evidence which is the subject-matter of

satisfaction of the Id. court, but whole of the document starting from the cheque, bank document relating to dishonour, demand notice and other are documents placed before the court, it is then when the court issues process against the accused.

Having considered the plea which has been taken by the petitioner both regarding facts and law, I am not satisfied that this is a fit case to be interfered with.

However, so far as the facts are concerned, if the petitioner is in possession of the documents, in that case, the petitioner would be entitled to produce the same in course of the trial to rebut the prosecution's case.

With the aforesaid observations, CRR 1216 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)