

05.07.2023
Serial no. 126
[G.S.D]

CRR 1234 of 2023

Ref. An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : Goutam Garia

... .. Petitioner

Mr. Sujeet Kumar Maurya
Mr. S. K. Maurya

... .. For the Petitioner

This revisional application has been preferred challenging the continuance of C. Case No. 13 of 2021 which is pending before the Learned Judicial Magistrate, 1st Court, Amta under Section 138 of the Negotiable Instrument Act, 1881.

Learned Advocate further submits that he was never served with demand notice and he had lost his bag from where cheques were surreptitiously removed and mis-utilised for enchashment and for which the present case has been initiated.

The aforesaid issues which have been canvassed by the Learned Advocate are absolutely question of facts and the falsity of which is to be decided in course of the trial as, *prima facie*, the complainant has made a case by complying with all the statutory provisions as is reflected from the documents.

Having regard to the same, I am of the view that no interference is called for and the petitioner would be at liberty to canvass all such points in course of the trial and at the final argument of the case.

With the above observations, **CRR 1234 of 2023** along with the connected application(s), if any, stands **disposed of**.

Parties shall act on the server copy of this order, duly obtained 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.)