

29-03-2023
Subha
Item no. 20
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 1295 of 2021

Biswanath Maity
-versus-
The State of West Bengal & Anr.

Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Md. Sabir Ahmed
Mr. Kapil Chandra Sahoo
...for the petitioner.
Mr. Imran Ali
Ms. Debjani Sahu
...for the State.

Mr. Ahmed, learned advocate appears on behalf of the petitioner and challenges the continuance of the proceedings on the ground of time bar as well as defect in the demand notice.

Learned advocate refers to the contentions made in the petition of complaint, the bank return memo as well as the demand notice.

I have perused the said documents and I find that so far as the averment made in the petition of complaint is concerned, the same do quantify the test of the statutory period as prescribed under the provisions of the Negotiable Instruments Act. So far as the contentions regarding the endorsement to the bank return memo is concerned, there are possibilities that the cheque could have been placed on number of occasions.

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

I have considered the contentions advanced on behalf of the petitioner and on an assessment of the same, I am of the opinion that

the same do not make out a case for interference at this stage. The same are question of facts and are to be considered in course of trial. The petitioner is granted liberty to take up these points at the time of trial.

With the aforesaid observations, the revisional application being CRR 1295 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]