

CRR 1141 of 2010

In the matter of : Tapan Kumar Hazra

None is appearing on behalf of the petitioner.

Instead of adjourning the matter *suo moto*, considering the age of the proceeding, I am inclined to dispose of the matter on merit based on materials available with the record.

The accused person, as I find from the judgement impugned took a sum of Rs.80,000/- from the complainant as a loan and in discharge of such liability he issued two cheques of Rs.40,000/- each, but both cheques were returned as dishnoured for insufficient fund. Statutory notice was given and it was not adhered to by the drawer of the cheques. The drawee of the cheques took out an application under Section 138 of the N.I. Act which was contested by the drawer and the learned Trial Court after appreciating the evidence on record was pleased to hold the accused person Tapan Kumar Hazra guilty for committing offence under Section 138 of the N.I. Act. The accused person made an unsuccessful attempt to get the order of conviction reversed by preferring an appeal being Criminal Appeal No. 23 of 2008 which was dismissed on 08.3.2010.

In view of the concurrent finding of both the Courts below, I do not find any reason to interfere with the judgement impugned.

The criminal revision merits no consideration and is dismissed without any order as to costs.

Let a copy of the order sheet and lower court records be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)