

17.5.2023

ct. 236

sk,sl. 45

C.R.R. 1807 of 2011

In the matter of : Partha Basu Choudhury

None is appearing on behalf of the petitioner.

The petitioner did not comply with the direction of the Co-ordinate Bench given on 27th January, 2017.

This revisional application challenges the proceeding under Section 138 of the N.I.Act pending before the learned 3rd Court of Judicial Magistrate, Durgapur, Burdwan.

From the attending facts of the case, it appears that the petitioner issued two Cheques being vide no. 763858 dated 20.11.2010 of Rs. 1,50,000/- drawn on SBI, Regent Estate, Branch, Kolkata-92 and Cheque No. 763859 dated 20.12.2010 for a sum of Rs. 40,000/- drawn on the same Branch. The Cheque No. 763858 was dishonoured for "Insufficient Fund". Notice was served upon the drawer of the cheque under Section 138 of the N.I.Act but it was not adhered to. The drawee of the cheque thereafter filed the petition of complaint before the learned ACJM, Durgapur. After taking cognizance the petition of

complaint was transferred to learned 3rd Court of Judicial Magistrate, Durgapur for disposal. The learned trial court issued process against the accused person.

Challenging the said proceeding it is contended that learned trial court took cognizance of offence mechanically and there was non-application of judicial mind; there was delay on the part of the complainant.

Upon perusal of all the materials available with the record, I am of the view that this revisional application is devoid of merit and it is dismissed, with liberty to the accused petitioner to take all points before the learned 3rd Court, Judicial Magistrate, Durgapur which he has taken in this application.

Let a copy of this order along with LCR be sent down to the trial court forthwith.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Siddhartha Roy Chowdhury, J)