

11.08.2023
Sl.No. 10
Ct. 33
Amalranjan

CRR 1848 of 2011

Re: HDFC Bank Ltd.

Mr. Debasish Roy
Mr. Kaushik Chatterjee
Mr. Tirthankar Dey.....for the petitioners

Mr. Bidyut Kr. Roy
Ms. Rita Datta.....for the State

The instant revisional application was filed by the petitioner seeking quashing of the proceeding in complaint case No. 4495 of 2009 pending before the learned Judicial Magistrate, 7th Court, Alipore under sections 506, 420, 34 of the IPC and the orders dated 13th July, 2009 and 29th August, 2009 passed therein.

Learned advocate for the petitioner submits that the complainant had obtained a loan a sum of Rs. 2,50,000/- for the purpose of conducting of his business from the HDFC bank on 20.4.2007 by dint of an agreement being no. 12601283. The complainant also deposited 4 post-dated cheques to the said bank for ECS along with 5 blank signed cheques for the purpose of security. Against such loan he was to pay a sum of Rs. 9037/- in 36 equal monthly instalments. The complainant had paid a sum of Rs 1,08,444/- and the last payment was deposited in January, 2009. In course of time the complainant had been a defaulter in paying the rest of the EMIs. Consequently a proceeding under Section 138 of the Negotiable Instruments

Act, 1881 was initiated against the complainant. As a counter blast the Complaint Case being 4494 of 2009 was instituted.

The report filed by the SI Gariahat PS dated 7.8.2023 stating that the opposite party no. 2 complainant Jaydip Banerjee to have expired on 21.4.2021 supported by a death certificate and the said report be kept with the record.

Under such circumstances, the death of the complainant as well as the fact that the issue in question is civil in nature.

The instant revisional application is allowed.

The proceeding in Complaint Case 4495 of 2009 pending before the learned Judicial Magistrate, 7th Court Alipore is quashed.

Department is directed to communicate this order to the learned trial court immediately for information.

(Ananya Bandyopadhyay,J.)