

06-09-2023
Subha
Item no. 33
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1808 of 2023

SJP Hotels and Resorts Pvt. Ltd. and anr.
-versus-
The Government of West Bengal and anr.

Mrs. Baisali Ghoshal
Mr. Niraj Kumar Singh
...for the petitioners.

Ms. Priyanka Sarkar
...for the opposite party.

Supplementary affidavit so filed be kept with the record.

Learned advocate for the petitioners disputes regarding the liability or debt which is the foundation of the cheque which has been dishonoured.

Learned advocate submits that they have no legally enforceable debt or liability towards the complainant and as such the cheque in their custody has been misused and by way of which the present proceeding being Complaint Case No. C/321/21 has been initiated.

Learned advocate for the complainant/opposite party no.2 opposes such contention and submits that there was a settlement agreement pursuant to which the cheques were issued and the cheques definitely were issued for discharging the legally enforceable debt or liability.

Be that as it may, this court will not enter into the issue relating to the fact particularly with regard to the liability which is

to be adduced in course of the trial or rebutted in course of the trial.

It has been submitted that warrant of arrest has been issued and is pending against the petitioner/petitioners. The petitioner no.2 will appear before the learned trial court being the learned Judicial Magistrate, Bidhannagar by 30th September, 2023, if the petitioner no. 2 so appears, in that case the learned court considering the factum that the offences complained of are bailable will allow the prayer for bail of the petitioners and recall the warrant of arrest.

It has been inform that the next date is fixed in the month of October, 2023. The learned Magistrate is directed to complete the process of examination of the accused on the said date under Section 251 of the Code of Criminal Procedure and thereafter would proceed with the trial of the case as expeditiously as possible and conclude the trial within a reasonable period of time.

With the aforesaid observations, the revisional application being CRR 1808 2023 is disposed of.

Pending applications, if any, are hereby 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]

