

17.04.2023
Item No. 19
D. Hlra
Ct. No.34

CRR 1609 of 2021

Bivas De
vs.
The State of West Bengal & Anr.

Mr. Prasad Bhattacharyya.
... for the petitioner

The present revisional application has been preferred against the proceedings being Case no. CS/63231 of 2019 under Sections 138/141 of the Negotiable Instruments Act, 1881, now pending in the Court of learned Metropolitan Magistrate, 11th Court at Calcutta.

The prayer in this revisional application is for quashing of the proceedings.

Learned Advocate appearing for the petitioner submits that the cheque, which is a subject matter of the instant case, was kept as a security and the complainant bank deposited the same without having any authority.

Learned Advocate appearing for the petitioner files a supplementary affidavit which incorporates that there were two cheques being 008412 and 008417 drawn on Dena Bank which contained a statement that it will not be deposited in the bank.

I have considered the submissions advanced by the learned Advocate appearing for the petitioner and it reflects that there is no issue relating to the cognizance and the

issuance of process which was adhered to in law by the jurisdictional Court.

Learned Advocate appearing for the petitioner submits that a process of compromise is going on before the Hon'ble Supreme Court in respect of the proceedings before the debt recovery tribunal. No documents have been placed before this Court.

A photocopy of the enclosure to the supplementary affidavit is merely a defence document which can be produced at an appropriate stage when the the Trial Court provides an opportunity to the defense.

The foundation of the revisional application is not based on any issue of law for interference by this Court.

Accordingly, CRR 1609 of 2021 do not call for any interference and dismissed.

All pending applications, if any, are consequently dismissed.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

