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C.R.R. No.1689 of 2021

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Rakesh Kumar Jain
Versus
Neo Carbons Private Limited & Anr.

Mr. Anirban Dutta,
Mr. R.L. Mitra.
...for the petitioner.

Affidavit-of-service so filed be kept with the record.

The records of the revisional application reflect that the complaint was of the year 2013 and cheques were dishonoured on 27th September, 2012, 25th October, 2012 and 22nd November, 2012. More than 10 years have passed since the chques were dishonoured.

Learned advocate for the petitioner submits that there are overwhelming materials which suggest that the petitioner cannot be held responsible or vicariously liable within the ambit of Section 141 of the Negotiable Instruments Act.

Having considered the time period which has elapsed since the cheques have dishonoured and the manner in which the complaint case is proceeding before the learned Metropolitan Magistrate, it can be said that the petitioner has frustrated the purpose of the legislation for incorporating the amended provisions under the Negotiable Instruments Act as well as the legislative intention of incorporating a scheduled time period for completion of

the said proceedings. The points canvassed in the revisional application, as such, should be considered in the factual circumstances of the case in course of the trial.

With the aforesaid observations, CRR 1689 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)