

7.2.2023  
ct.236,  
sl no.13  
sk

C.R.R. 2095 of 2009

In the matter of : Sayed Ahmed

None is appearing on behalf of the petitioner.

This criminal revisional application is pending since 2009.

I am not inclined to adjourn the matter sou-motu. Considering the age of the lis, I propose to dispose of the criminal revisional application on merit on the basis of materials available with the record. The fact of the case as short as on follows:-

A partnership firm filed a petition of complaint under Section 138 of the Negotiable Instruments Act, against the proprietor of Western Plywood Stores, Mr. Syed Ahmed who issued a cheque amounting to Rs. 1,09,887/- in favour of the opposite party no. 1 for discharging his liabilities.

The cheque was presented to the bank by the drawee and the same was dis-honoured for insufficient fund. Even the drawer of the cheque failed to act in terms of the notice given to him under Section 138 of the N.I.Act.

The learned Metropolitan Magistrate, 17<sup>th</sup> Court, Calcutta on 8<sup>th</sup> August, 2008 passed an order of conviction after taking into consideration the evidence adduced by the parties in complaint case No. 935 of 2001 (TR) 436 of 2001.

The accused person being the drawer of the cheque made an unsuccessful attempt to reverse the order of conviction by preferring the criminal Appeal No. 69 of 2009.

Being aggrieved by the judgment passed by the learned Additional Sessions Judge, Fast Track 5<sup>th</sup> Court, Calcutta the appellant/drawer of the cheque preferred this application under consideration.

I have perused the judgment impugned.

I do not find any cogent reason to interfere with the concurrent finding of the court below. The criminal revision has no merit for consideration and is dismissed, however, without costs.

Let a copy of the order be sent down to the learned trial court for information and taking for action.

**(Siddhartha Roy Chowdhury J.)**

