

June 16, 2023
AD -21
Ct. 34
SG

CRR 2158 of 2023

Rajdeep Roy
-versus-
The State of West Bengal and another

Mr. Ayan Basu
Ms. Karunamoyee Samanta
Mr. Sumit Routh

... for the petitioner

The petitioner challenges the continuance of CR Case No.224 of 2020 under Section 138 of the N.I. Act which is pending before the Judicial Magistrate, 4th Court, Hooghly.

Learned advocate for the petitioner submits that the petitioner has been described as proprietor of Cell Solution. However, he is not a proprietor and he is only a power-of-attorney-holder. Such an issue is difficult to be brought in a court of law until the same is appreciated by the learned magistrate and the petitioner unnecessarily got to face the harassment of trial of the case.

In view of the submission advanced by the learned advocate for the petitioner that the examination under Section 251 Cr.P.C. is not over, I direct that under Section 251 Cr.P.C. the petitioner would file an application which would incorporate his status, if any, with relation to Cell Solution.

Learned magistrate would consider the same and dispose of such application in accordance with law.

It has also been informed that the warrant of arrest has been issued against the petitioner on 06.05.2023 when the petitioner was in hospital, an accommodation was sought for and the same was rejected.

Learned advocate for the petitioner submits that the petitioner presently is in a position to appear before the court.

Learned magistrate would recall the warrant of arrest issued on 06.05.2023 and allowed the petitioner to furnish the bond as required under the provisions of Section 138 of N.I. Act.

With the observations, CRR 2158 of 2023 is disposed of.

Learned Judicial Magistrate, 4th Court, Hooghly is directed to act on server copy of this order duly downloaded from the website of the High Court, Calcutta.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order in connection with CR Case No.224 of 2020 duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)