

**05.01.2023**

Item No.45  
Ct.No.34  
dc.

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 1895 of 2021**

**Tanay Agarwal  
versus  
Giriraj Daga**

**In Re:** An Application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

This revisional application was preferred challenging the Complaint Case being CS-56033 of 2019 under Section 138 of the Negotiable Instruments Act pending before learned Metropolitan Magistrate, 11<sup>th</sup> Court, Calcutta.

The specific contention of the petitioner in this revisional application is that there is no overt act of the present petitioner which is appearing in the petition of complaint and the case has been instituted on a cheque which was issued without any existing legal debts or liability. The issues so canvassed before this Court in this revisional application do not make out circumstances for invoking the jurisdiction under Section 482 of the Code of Criminal Procedure particularly, with regard to the offence under Section 138 of the Negotiable Instruments Act wherein the present petitioner happens to be the sole accused. Thus, no interference is called for.

Accordingly, the revisional application being CRR 1895 of 2021 is dismissed.

All pending connected applications, if any, are 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 with all requisite formalities.

**(Tirthankar Ghosh, J.)**