

July 19, 2023
AD – 26
Ct. 34
SG

CRR 2346 of 2023

Firoza Bibi
-versus-
Shyam Steel Industries Ltd. and another

Mr. Mohinoor Rahaman
Mr. Sk. Abumusa

... for the petitioner.

The revisional application has been preferred challenging the proceedings being CS Case No.44366 of 2023 which is pending before the learned Metropolitan Magistrate, 3rd Court, Calcutta under Section 138 of N.I. Act.

Learned advocate for the petitioner submits that the petitioner has subsequently paid a sum of ₹1 lakh to the complainant and in spite of the same the present case has been initiated. He intends to substantiate this by the bank statement of the concerned bank where the petitioner is maintaining his accounts. Thus, the summary of contentions of the petitioner is that the total amount which are dues, are in excess of the amount which has been written in the dishonoured cheque.

Be that as it may, it has been informed that the examination under Section 251 Cr.P.C. is yet to be conducted by the learned Metropolitan Magistrate, 3rd Court, Calcutta.

Petitioner is granted liberty to take out an application at the stage of Section 251 Cr.P.C. narrating such details and learned magistrate while recording the plea would take into account the same and dispose of the application in accordance with law.

With the aforesaid observations, CRR 2346 of 2023 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 certified copy of this order, if applied for, be made available to the parties upon compliance of such requisite formalities.

(Tirthankar Ghosh, J.)