

02.02.2023
Item No. 17
BR

CRR 1971 of 2010

In the matter of: Shyamal Malakar

.....petitioner

Mr. P.Khan ... for the petitioner

Mr. N.P. Agarwal,
Mr. Pratick Bose for the State

This criminal revision is a manifestation of displeasure of the petitioner who has been held guilty for committing offence within the meaning of Section 138 of the Negotiable Instruments Act by the learned 11th Court of Metropolitan Magistrate in connection with C/10168/2005, which order was affirmed by learned appellate Court in criminal appeal No. 41 of 2009 dated 15th May, 2010.

Mr. Khan, learned advocate for the petitioner submits that no instruction was given by the petitioner. This criminal revision is pending for more than twelve years, hence I propose to dispose of the revisional application on merit based on materials available with the record. From the attending facts of the case I find the petitioner issued a cheque of Rs. 1,66,667/- in favour of the complainant who as drawee presented the cheque and it was returned for insufficient fund. Statutory notice was given but in vain and proceeding under Section 138 of the Negotiable Act was initiated. Learned trial Court was pleased to record an order

of conviction. The petitioner made an unsuccessful attempt in criminal appeal No. 41 of 2009 to get the order of conviction reversed. The concurrent finding of learned trial Court as well as learned appellate Court do not inspire me to interfere with the order of conviction.

This criminal revision does not merit any consideration and is dismissed, however, without costs. Order of stay, if any, stands vacated.

The petitioner is directed to comply with the order passed by learned trial Court and surrender to the jurisdiction of learned 11th Court of Metropolitan Magistrate, Calcutta to serve out sentence within four weeks from date.

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

Urgent certified copy, if applied therefor, be supplied upon compliance of usual formalities.

(Siddhartha Roy Chowdhury, J.)