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C.R.R.2415 of 2021

In Re: An application under Section 482 read with 401 and 397 of the Code of Criminal Procedure, 1973;

Ms. Richa Gupta and another  
Versus  
Janardhan Nirman Private Limited

Mr. Ayan Bhattacharjee,  
Mr. Anirban Dutta,  
Mr. Tanay Agarwal,  
Mr. Shivam Bhimsaria.  
...for the petitioners.

Mr. Mrityunjoy Chatterjee,  
Mr. Prabir Kr. Adhya,  
Mr. Koushik Bhattacharyya.  
...for the opposite party.

Mr. Bhattacharjee, learned advocate appearing for the petitioners submits that the present petitioners being Richa Gupta and Tanu Jain resigned from the company on 27.09.2015 and 20.09.2015 respectively, while the subject matter of the cheque, according to the complaint was issued on 28.07.2016 and the same being dishnoured on 21.10.2016. Learned advocate to that effect draws the attention of the Court to the form downloaded from the official website of Ministry of Corporate Affairs which reflects the details relating to the respective petitioners and their tenure as directors of accused no.1 in the complaint being M/s Maxout Infrastructure Private Limited.

Learned advocate relies upon the decisions in **Harshendra Kumar D. Vs. Rebatilata Koley and others** reported

in **(2011) 3 SCC 351** as also **S.P. Mani and Mohan Dairy Vs. Dr. Snehalatha Elangovan** reported in **AIR 2022 SCC 4883**.

Having considered the fact that the documents relied upon by the petitioners are unimpeachable and of sterling quality and taking into account settled propositions of law of the Hon'ble Supreme Court and the fact that till date the examination under Section 251 of the Code of Criminal Procedure is not over, I am of the opinion that further continuance of the proceedings Case No.C-883 of 2016 pending before the learned ACJM, Bidhannagar so far as the present petitioners are concerned are unwarranted as they cannot be held vicarious liability under Section 141 of the Negotiable Instruments Act.

Mr. Chatterjee, learned advocate appearing for the complainant/opposite party submits that the case was initiated in the year 2016 and till date there has been no progress.

Records reflect that execution return of warrant of arrest is pending against some of the accused persons and the accused no.2 being the signatory Pravin Kumar Singh is appearing before the learned trial court and is also representing the accused-company.

In view of the fact that the trial court granted ample opportunity to rest of the accused persons being accused no.3 Promod Kumar Singh and accused no.5, Neetu Singh to appear and participate in the trial, I am of the opinion that the stage has reached where the learned trial court should proceed with the stage of proclamation and attachment and file the case against the said

accused persons and proceed with the trial of the case in respect of the accused persons who are present before the court.

Accordingly, the revisional application being CRR 2415 of 2021 is allowed.

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 photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**(Tirthankar Ghosh, J.)**