

C.R.R. 3065 of 2022

**Anjana Goenka
Vs.
The State of West Bengal & Anr.**

Mr. Subhamoy Bhattacharya
Mr. Ananda Gopal Mukherjee
Mr. Shankar Mukherjee
Mr. Utsab Ganguly

... ... for the petitioner

Mr. Anwar Hossain
Mr. A.F. Molla

... ... for the State

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner was Director in the accused company and pursuant to matrimonial discord with the husband she is forced to face a criminal trial for dishonour of cheques under sections 138/141 of the Negotiable Instrument Act.

Learned advocate submits that the petitioner has been unfortunately implicated even after the resignation letter was tendered to the Board and the Board has not submitted it to the Registrar of Companies. As such there are no documents in the petitioner's custody which can be relied upon to be presented before the Court for prima facie proving her innocence.

Learned advocate also submits that the complainant is also not proceeding in the proceedings in the trial Court. So far as the facts which have been canvassed by Mr. Bhattacharya, learned advocate appearing for the petitioner the same requires consideration by the learned trial Court and cannot be a ground for invoking the provisions of section 482 of the Code of Criminal Procedure.

However, if the complainant is reluctant to proceed with the case and is not appearing regularly, then the learned Metropolitan Magistrate, 16th Court, Calcutta would fix at least four dates at a gap of one and half months.

Issue notice and show cause the complainant within the said period and in case by 31st December, 2023, it is seen that the complainant is not interested to pursue the criminal case, Learned Magistrate would be at liberty to invoke the provisions of section 256 of the Code of Criminal Procedure.

With the aforesaid observations CRR 3065 of 2022 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.

(Tirthankar Ghosh, J.)