

August 14, 2023
AD-42
Ct. 34
SG

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

CRR 2942 of 2023

In the matter of: Mukesh Patra
... petitioner

Mr. Malay Bhattacharya
Ms. Sudipa Sengupta
... for the petitioner.

Petitioner challenges the continuance of the proceedings being Complaint Case No.208C/2022 dated 21.05.2022 under Section 138 of N.I. Act.

The foundation of challenge relates to the demand notice which was served according to the learned advocate. The cheques which were the subject matter were never referred to in the demand notice. A vague allegation regarding the quantum was stated only in the demand notice which makes itself bad in law.

Learned advocate for the petitioner submits that there is nothing in the demand notice which also reflects regarding the factum of dishonour being made known to the complainant and there is every scope of the case being time barred.

I have considered the submission of learned advocate for the petitioner and I am of the view that the issues so canvassed are based on question of fact which should be considered at the stage of cross-examination or by way of adducing defence evidence. The issues so canvassed cannot

summarily be considered by this Court. No interference is called for at this stage.

With the aforesaid observations, CRR 2942 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.)