

CRR 3112 of 2009

**In the matter of : M/s. Maurik Advertising & Publication
& Anr.**

....Petitioners

Petitioners are not represented.

In the office report, despite service, none is appearing for the opposite party no. 1. Notice could not be served upon the petitioner as the company is no longer situated at the address given in the cause title of the petition. This revisional application is pending for more than 12 years. Therefore, instead of adjourning the matter suo motu, I am inclined to dispose of the same on merit based on materials available in the record.

The revisional application challenges the judgment and order passed by learned Additional District & Sessions Judge, Fast Track court no. 8, Bichar Bhavan, Calcutta in criminal appeal no. 52 of 2008 affirming thereby the judgment and order dated 10.6.2008 passed by learned Metropolitan Magistrate, 12th Court, Calcutta in case no. C-4803 of 2002.

Briefly stated that the petitioner in order to organise the fashion show hired accommodation in the Ballroom, a unit of opposite party no. 1 @ Rs. 4,00,000/- and towards the discharge of their legal debt and/or liabilities issued eight cheques of Rs. 50,000/- each to the opposite party no. 1 but the cheques were not encashed under the instruction of the drawer of the cheques. The proceeding under Section 138 of the Negotiable Instruments Act was initiated by the hotel authority upon service of statutory notice, which was not adhered to. The complainant being the drawee of the

cheques, filed the petition of complaint before the learned Chief Metropolitan Magistrate which was ultimately disposed of by the learned trial court, holding the accused guilty to the charge under Section 138 of the Negotiable Instruments Act and the accused no. 1 was sentenced to pay a fine of Rs. 5,000/- while accused no. 2 was sentenced to suffer imprisonment for six months and pay a sum of Rs. 8 lakhs as compensation. The petitioners before this court, made an unsuccessful attempt to get the order of conviction passed by learned trial court reversed by preferring criminal appeal no 52 of 2008.

I have perused the impugned judgment as well as judgment pronounced by learned trial court and I do not find any cogent reason to differ with the concurrent findings expressed by learned court below. The criminal revision has no merits and is dismissed without costs.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Siddhartha Roy Chowdhury, J.)