

06-09-2023
Subha
Item no. 52
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3359 of 2023

Shailesh Kumar Singh
-versus-
Bandhan Bank Limited and Anr.

Mr. Bishwambhar Jha

...for the petitioner.

The revisional application has been preferred challenging the proceedings being C.S/11008 of 2021 which is progressing before the learned Metropolitan Magistrate, 11th Court, Calcutta under Section 25C of the Payment and Settlement Act, 2007.

Learned advocate for the petitioner submits that the present case was initiated for default of single EMI while whole of subject matter relating to the loan by way of issuance of notice under Section 13(2) of the SARFAESI Act, 2002 has been initiated before a different forum and there is a declaration of NPA.

Having regard to the issue, which has been canvassed, I am of the opinion that initiation of a case under a particular proceeding, automatically do not deter the complainant to invoke the jurisdiction of another proceeding until and unless by express provision the same is barred.

No document could be produced before this court that there has been a settlement of account so far as the subject matter of the agreement is concerned.

Having regard to the same, I am of the opinion that the

revisional application is premature. Petitioner is granted liberty to take up all the points in course of the trial by way of consulting the prosecution witnesses in cross-examination.

With the aforesaid observations, the revisional application being CRR 3359 of 2023 is disposed of.

Pending applications, if any, are hereby disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]