

17.03.2023
Ct. No.34
S/L No.36
KS

C.R.R. 3612 of 2019
With
IA No. CRAN 2 of 2021
Kunal Vasu Mallick
-Vs.-
Juhi Finalese Private Limited

Mr. Mrityunjoy Chatterjee
Mr. Sayantan Bose
Mr. Debapriya Majumder
Mr. Sattik Rout

..... For the Petitioner

Mr. Apurba Kumar Ghosh
Ms. Annyasha Chakraborty

.....For the O.P.

The present revisional application has been preferred for quashing of the proceedings relating to Complaint Case No.17116 of 2019 pending before the learned Metropolitan Magistrate, 14th Court, Kolkata in respect of one of the accused persons namely, Kunal Vasu Mallick. The sole thread of contention is that the petitioner was appointed as a Director on 29th September, 2012 and he resigned from the company on 18th May, 2018. To that effect, the petitioner has enclosed Form No.DIR – 11 issued by the Ministry of Corporate Affairs. The cheque which is the subject-matter is dated 1st December, 2018 and was presented by the complainant with Vijaya Bank, N. S. Road Branch, Kolkata which returned unpaid on 16th January, 2019. The demand notice was issued by the complainant on or about 8th February, 2019 which was despatched on 11th February, 2019. According to the complainant, the said demand notices were duly served upon the accused person on 12.02.2019, 15.02.2019 and 21.02.2019. The petitioner having resigned from the company on 18th May, 2018 and the

cheque commenced its validity on 1st December, 2018 under no circumstances would make the petitioner liable for any offences being committed in view of the settled proposition of law in *Harshendra Kumar D. Vs. Rebatilata Koley & Ors.* reported in (2011) 3 SCC 351 and *S.P. Mani & Mohan Dairy Vs. Dr. Snehalatha Elangovan* reported in AIR 2022 SCC 4883.

Learned advocate appearing for the complainant is present. However, having considered the settled position of law she is unable to oppose such submissions advanced on behalf of the petitioner.

Having considered the settled position of law, I am of the view that so far as the present petitioner is concerned, the proceedings relating to Complaint Case No.17116 of 2019 pending before the learned Metropolitan Magistrate, 14th Court, Kolkata should be quashed.

It has been informed that the next date has been fixed in the month April for evidence.

Having regard to the fact that the complaint case initiated in the year 2019, the learned Magistrate is directed to fix at least one date in every two months so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

Accordingly, C.R.R. 3612 of 2019 is allowed.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)

