

24 18.01.2023
RP Ct.No. 236

CRR 3569 OF 2008

In the matter of : Subhrangshu Sekhar Talukdar

Mr. Narayan Prasad Agarwal
Mr. Miroz Firoz Ahmed Begg
... for State

None appears to represent the petitioner.

This petition is pending since 2008. Under such circumstances, I am inclined to dispose of the petition on merit.

The petitioner has been served with a notice by the learned 2nd Court of the Chief Metropolitan Magistrate, Calcutta in a proceeding under Section 138 of Negotiable Instrument Act in connection with Case No.C-6679 of 2004. The petitioner allegedly issued a cheque in discharge of his liabilities in favour of M/s. Bisbri Bakery Margarine Limited, which was dishonoured on 12th May, 2004 not on the ground of want of fund but with the remark "signature differs". From annexure P-2 it appears that the incident was brought to the notice of the petitioner by a legal notice dated 24th May, 2004. Had there been any bonafide mistake the petitioner would have taken steps in compliance with requisition of the notice, which he did not do. Therefore, at this stage, I am not inclined to invoke the jurisdiction conferred under Section 482 of the Criminal Procedure Code, 1973 to interfere with the order dated 7th August, 2008 passed by the learned Metropolitan Magistrate, 8th Court, Calcutta or with the entire

proceeding pending before the learned trial Court. However, the petitioner will be at liberty to agitate the point as raised before this Court in course of trial.

With the aforesaid direction the criminal revision, being CRR 3569 of 2008 is disposed of. Interim order of stay, if any, stands vacated.

Let a copy of the order be forwarded to the learned Chief Metropolitan Magistrate, Calcutta for information and necessary action.

Urgent Photostat copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

(Siddhartha Roy Chowdhury J.)