

27.02.2023

Sl. No. 125

Srimanta

Ct.No. 42

IA No.:CRAN/1/2023

in

CRR/4376/2022

In the matter of : **Mrs. Geetika Gupta**

Mr. Ayan Bhattacharjee,
Mr. Aditya Ratan Tiwary

...for the petitioner.

Mr. Sabyasachi Banerjee,
Mr. Snehashis Sen,
Mr. Abhishek Banerjee

...for the opposite party.

Though an application for extension of interim order is fixed today for hearing, Mr. Sabyasachi Banerjee, learned Advocate for the private opposite party with his usual fairness submits that Mr. Ayan Bhattacharjee, learned Advocate for the petitioner has annexed the Master Data of the company wherefrom it is ascertained that the petitioner was never a Director of the said company. In view of such circumstances, he concedes that proceeding under Sections 138/141 of the Negotiable Instruments Act cannot be continued against the petitioner.

Therefore, he submits that the necessary order in the instant proceeding may be passed so that trial of the case should be proceeded with in the Trial Court.

I have perused the company Master Data (Annexure – P/5) at page 43 of the revisional application. It is true that the petitioner was never a Director of the company. Therefore, Case No. CS 30764/2021 under Sections 138/141 of the Negotiable Instruments Act is not maintainable against her.

Accordingly, the proceeding being CS 30764/2021 be quashed as against the present petitioner.

It is made clear that the aforesaid complaint case shall continue against the company as well as other Directors arraigned as accused persons in the said complaint. The revisional application along with connected application are disposed of.

Since it is noticed that the complaint case has been filed in the year 2021, the learned Magistrate is requested to take endeavour to dispose of the case expeditiously.

(Bibek Chaudhuri, J.)