

12.12.2023

Item No.265

Ct.No.34

Susanta

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 4626 of 2023

In the matter of : **Rohit Kumar** ... Petitioner.

Mr. Soymna Roy,
Mr. Aditya Sen, ... For the Petitioner.

The learned Counsel appearing for the petitioner has challenged the proceedings being CS/62/2022 which is a proceeding under Section 138 of the Negotiable Instruments Act pending before the learned Metropolitan Magistrate, 11th Court Calcutta.

The contention of the petitioner is that the cheque which is the subject matter of the complaint case was kept as security with the petitioner who was distributor of the complainant company.

It has further been contended that although dues did not accrue to the tune for which the demand was made yet the present case was initiated at the behest of the complainant/opposite party.

Additionally it was submitted that the case was instituted at Patna and as a counter-blast the present case has been initiated.

Be that as it may, I have perused the documents which have been enclosed. At this stage the Court while exercising the jurisdiction under Section 482 of the Criminal Procedure Code will not enter into the domain as to whether the cheque

was issued for a legally enforceable debt or liability or security.

These are question of facts which are to be decided in course of the trial. The petitioner would be at liberty to canvass all the issues at the trial stage.

With the aforesaid observations, the revisional application being CRR 4626 of 2023 is disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)