

12-12-2023
Subha
Item no. 320
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
CRR 4681 of 2023

Smt. Sapna Kumari Sharma & Anr.
-versus-
The State of West Bengal and Anr.

Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
.....for the petitioners.

Mr. Mukherjee, learned advocate appearing on behalf of the petitioners submits that a security cheque has been converted and by presenting the same, provisions of Sections 138/141 of the N. I. Act was invoked.

Learned advocate further submits that there are no legally enforceable debts or liabilities and the present petitioner no. 1 has been falsely implicated in connection with the instant case without any averment being there in her name in the petition of complaint or reference is there in respect of any complicity or participation in any transaction.

Learned Magistrate, according to the petitioners, issuedailable warrant against the present petitioner no.1 who is a lady.

Having considered the submissions advanced on behalf of the petitioners, I am of the view that some overwhelming materials are required to be produced before a higher forum, particularly when the claim of innocence is placed before the court. There are no materials to suggest that petitioner no. 1 is not a Director of the company. So far as the other issues relating to the cheque being kept as security with the complainant or that there are no more debts or liabilities and substantial refund has already been made, the same are question of facts which are to be decided in course of the trial. However, having regard to the fact thatailable warrant has been issued against the petitioner no.1 namely, Smt. Sapna Kumari

Sharma, I direct that the learned A.C.J.M, Alipore that in connection with the Complaint Case No. AC 1085/2023 he would dispense with the personal appearance of the petitioner no.1 in the day to day proceedings of the court in case a learned lawyer files an application under Section 205 of the Code of Criminal Procedure adhering to the settled propositions, rules and guidelines laid down by the Hon'ble Supreme Court.

The order issuing bailable warrant by the learned A.C.J.M, Alipore is, therefore, set aside.

With the aforesaid observations, the revisional application being CRR 4681 of 2023 is 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]