

24-01-2024
Subha
Item no. 12
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 17 of 2024

Amit Kumar Jhavar
-versus-
Sidhant Udyog Pvt. Ltd and anr.

Mr. Sumanta Chakraborty
Mr. A. Halder
....for the petitioner.
Mr. K. C. Garg
Mr. R. L. Joshi
...for the opposite parties.

Petitioner approached this court challenging the order dated October 11, 2023 passed by the learned Magistrate, 14th court, Calcutta in C. S. No. 9514 of 2014.

I have perused the impugned order and I find that the learned Magistrate was pleased to dismiss the prayer for further examination of defence witness who was the official liquidator and/or the IRP(Insolvency Resolution Professional). I do not find any illegality in the said order passed on 11th October, 2023.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner has been implicated in the present case by invoking the provisions of Section 141 of the N. I. Act, although he had no complicity in respect of the alleged offence and in spite of exercising his due diligence, the cheque was dishonored.

Be that as it may, since the arguments of the case have already been fixed and the matter is pending on and from the year 2019 for examination of the defence witness, I am of the view that enough opportunities were granted by the

learned Metropolitan Magistrate, 14th court, Calcutta who has taken a correct decision and proper steps for fixing dates for arguments of the case.

It has been informed that the next date has been fixed on 1st February, 2024. Parties are directed to commence their arguments and conclude the same by 15th February, 2024.

Parties would be at liberty to canvass the issue regarding the liquidation, the time of issuance of the cheque as well as the notice not having been received before the learned trial court along with other relevant issues.

No interference is called for by this court at this stage.

With the aforesaid observations, the revisional application being CRR 17 of 2024 is disposed of.

Pending applications, if any, are consequently 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]