

09-05-2024
Subha
Item no.10
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 324 of 2024

Sudip Ghosh
-versus-
State of West Bengal & Anr.

Mr. Loknath Paul

.... ..for the petitioner.

Learned advocate appearing on behalf of the petitioner submits that the demand notice was not served and there were material alterations in the cheque which is a foundation of the instant case under Section 138 of the N. I. Act. Canvassing such issue, petitioner preferred an application which was rejected and the learned Judicial Magistrate, 3rd court, Arambag, Hooghly in CR No. 440 of 2019 proceeded with the case.

Having regard to the issues so canvassed, I am not impressed that any of the issues involve any question of law in law and the same are question of fact, which are to be decided in course of the trial. The case was instituted in the year 2019 and till date the evidence of the case has not commenced. Having regard to the fact that five years have already passed and there are number of issues which the accused has been canvassing before the court without allowing the trial to proceed, I direct that the learned trial court to proceed with the evidence since in the year 2021, the plea/Section 251 CrPC has already been recorded by the learned trial court.

No interference is made by this court at this stage.

With the aforesaid observations, the present revisional application being CRR 324 of 2024 is dismissed.

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]