

26.07.2024
SL. 143+144
Court No. 551
Suvayan

C.R.R. 138 of 2014

In the matter of: **Kadenjua Krishna Rai**
....petitioner.

With

C.R.R. 2310 of 2013

In the matter of: **Navin Gupta & Ors.**
....petitioners.

Mr. Ayan Bhattacharya
Mr. Pawan Kumar Gupta
Ms. Ritu Das
Mr. Sutanu Karmakar
...for the petitioner.

Mr. Avishek Sinha
...for the State.

Mr. Anuj Singh
Ms. Ankita Baid
...for the complainant.

1. In course of hearing Mr. Ayan Bhattacharya, learned Advocate for the petitioner files a server copy of the order dated May 22, 2023 (may be of May 22, 2024) as passed by a co-ordinate Bench in CRR 628 of 2014.
2. In course of hearing of the instant two petitions as filed under Section 482 Cr.P.C., Mr. Bhattacharya draws attention of this Court to the photocopy of the complaint as filed by the opposite party No. 2 herein before the learned Chief Metropolitan Magistrate, Calcutta which has been registered as case No. C34562 of 2010. It is submitted by Mr. Bhattacharya that the accused No. 2 of case No. C34562 of 2010 have challenged the said proceeding by filing a petition under Section 482 Cr.P.C. which has been registered as CRR

628 of 2014 and the same is pending before a co-ordinate Bench that is before the Hon'ble Justice Ananya Bandyopadhyay on August 5, 2024.

3. It is submitted by filing CRR 138 of 2014 and CRR 2310 of 2013 the accused Nos. 3 to 7 of the self-same case that is case No. C34562 of 2010 have also challenged the self-same proceeding under Section 482 Cr.P.C.
4. It is submitted by Mr. Bhattacharya that in order to avoid conflict of decision it would be proper that all the three petitions namely, CRR 628 of 2014, CRR 138 of 2014 and CRR 2310 of 2013 may be disposed by the said learned Judge. It is further submitted that in CRR 628 of 2014 the next date is fixed on August 5, 2024 for further hearing.
5. Mr. Bhattacharya thus submits that the instant two matters may be de-listed so as to enable the present petitioner to take appropriate steps for hearing of all the three matters before the same Judge.
6. Such prayer was opposed on behalf of the opposite party No. 2/complainant. It is submitted that subject matter of CRR 628 of 2014 and the subject matter of two instant petitions, viz., CRR 138 of 2014 and CRR 2310 of 2013 are altogether different.
7. On perusal of the entire materials as placed before this Court it reveals that in all the three applications, viz., CRR 628 of 2014, CRR 138 of 2014 and CRR 2310 of 2013 the subject matter of the challenge is the complaint as lodged in case No. C34562 of 2010 before the learned Chief Metropolitan

Magistrate, Calcutta arising out of dishonor of a particular cheque as claimed to have issued by the opposite party No. 1 herein wherein the opposite party No. 2, Ashish Jhunjhunwala is the authorized signatory and the managing director while the accused Nos. 3 to 7 are the directors of the said company.

8. Considering the fact that all three criminal revision matters, viz., CRR 628 of 2014, CRR 138 of 2014 and CRR 2310 of 2013 arises out of the self-same complaint on account of dishonor of a single cheque, this Court considers that it would be prudent that all the three revisional applications are disposed of by a Single Judge.
9. In view of such, let the instant two matters be de-listed from my Court.
10. Department is directed to place the case record of CRR 138 of 2014 and CRR 2310 of 2013 before The Hon'ble The Chief Justice for passing appropriate order by His Lordship.

(Partha Sarathi Sen, J.)

