

23.02.2024
Serial no. 106
[G.S.D]

CRR 726 of 2024

In the Matter of : Sushanta Kumar Dash

... .. Petitioner

Mr. Atarup Ba
Mr. Tapodip Gupta
Mr. Rajdeep Pramanik
Ms. Anuska Bose ... for the petitioner

The petitioner is aggrieved by the factum of manner in which the case under section 138 of the N.I. Act has been initiated without any legally enforceable debts or liabilities.

To that extent, Id. Advocate appearing for the petitioner has exhaustively argued and tried to convince this court.

I have considered the issues which are question of facts.

Ld. Advocate has also prayed for exemption relating to the amount directed to be deposited by the Id. Magistrate under section 143A of the N.I. Act, which has been affirmed by the Id. Sessions Judge, Paschim Medinipur since the provisions of Section 143A of the N.I. Act was incorporated by the legislature.

Considering the stringency faced by the complainant and the same is a statutory dictate, I do not intend to

interfere with the order passed by the Id. Sessions Judge, Paschim Medinipur or the Id. Trial court.

So far as the question of facts are concerned, the petitioner would be at liberty to take up the same in course of cross-examination, section 313 cr.p.c., defence evidence as well as at the final stage of the argument of the case.

With the aforesaid observations, CRR 726 of 2024 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)