

05-03-2024
Subha
Item no. 36
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 931 of 2024

Makhan Lal Agarwal
-versus-
Mahindra & Mahindra Financial Services Ltd. & Anr.

Mr. Moyukh Mukherjee
Mr. Koustav Lal Mukherjee
Mr. Sayantan Sinha
.....for the petitioner.

The petitioner intends to canvass all the issues, which are addressed in the present revisional application in course of trial of the proceedings in connection with Cs/40381/2023 which is pending before the learned Metropolitan Magistrate, 3rd court, Calcutta.

Learned advocate for the petitioner is obviously aggrieved by the fact regarding the points of service of notice, the manner in which the cheque has been encashed and how the accused/petitioner has been forced to come to Kolkata to face a litigation.

Having regard to the aforesaid being question of facts, petitioner will definitely have the opportunity to take up the issue in course of the trial, however, the petitioner being a permanent resident of Jharkhand, it may not be possible for the petitioner to participate in the day to day proceedings before the learned trial court. Accordingly, if an application by adhering to the provisions

of Section 205 of the Code of Criminal Procedure is filed before the learned Metropolitan Magistrate, 3rd court, Calcutta, the learned court on being satisfied regarding the undertaking and the terms and conditions so furnished be pleased to allow the petitioner to be represented through his lawyer in the day to day proceedings until and unless the trial cannot be proceeded without the physical appearance of the petitioner.

With the above observations, the present revisional application being CRR 931 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]