

CRR 981 of 2024
Nanjappa Teetharamnda Uthaiah
Vs.
Kkalpana Industries India (Limited)

Mr. Abhradip Jha
Ms. Meghla Pari

.... For Petitioner

Mr. Francis Samson Correa
Mr. Sunny Nandy
Ms. Puja Kumari
Mr. Tamal Singha Roy

.... For the Opposite Party

The petitioner challenges continuance of CS/16352 of 2019, which is a case under Section 138 of the Negotiable Instrument Act, pending before the learned 20th Metropolitan Magistrate at Calcutta.

Learned advocate appearing on behalf of the petitioner submits that there was no legally enforceable debt or liability and to that extent intends to elaborate on the issue of the agreement entered into between the parties and that there was no liability and security cheque was malafidely attempted to be encashed which was dishonoured and pursuant to which a case has been initiated under the provisions of Section 138 of the Negotiable Instruments Act.

Whether there is any legally enforceable debt or liability, the same is to be assessed by the trial Court. At this stage, this Court summarily cannot decide the same while exercising its jurisdiction under Section 482 of the Code of Criminal Procedure. The petitioner would be at liberty to take up all the issue canvassed in this revisional application at the appropriate stage of trial including the stage of cross-examination, Section 313 of the Code of Criminal Procedure, defence evidence and the final argument of the case.

With the aforesaid observations, CRR 981 of 2024 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

(TIRTHANKAR GHOSH, J.)