

04.03.2024

Item No.84
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 988 of 2023

In the matter of : **Bijan Ray**

... Petitioner.

Mr. Indrakant Jha

... For the Petitioner.

The petitioner has challenged the proceedings of Complaint Case No. 858 of 2020 dated 24.07.2020. Records of the case reflect that the said case is under Section 138 of the Negotiable Instruments Act.

Learned advocate appearing for the petitioner submits that there are several cases pending in between the selfsame parties and in respect of the selfsame subject-matter which relate to both FIR being registered by the police authorities as also another complaint case. So far as the present case is concerned, the same is restricted to the provisions of Section 138 of the Negotiable Instruments Act wherein process has been issued by the learned Chief Judicial Magistrate, Paschim Bardhaman. The statutory requirements have been satisfied by the complainant for cognizance to be taken by the learned Magistrate and for issuance of process subsequently. Having regard to the issues so canvassed whether the present proceedings could be initiated because of other proceedings pending is to be brought out in evidence as because none of the other proceedings are under Section 138 of the Negotiable Instruments Act and if there are other proceedings which have been initiated in respect of the Indian Penal Code or any

other Act is concerned, the same would not violate the principles of double jeopardy.

The petitioner would be at liberty to take up all the issues in course of the trial.

With the aforesaid observations, the revisional application being CRR 988 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)