

19.03.2024
Item No.105
Ct.No.34
dc.

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

C.R.R. 1103 of 2024

In the matter of : **Munna Kumar Ram** ... Petitioner.

Mr. Prattay Khan,
Mr. Prakash Mishra,
Mr. R. K. Priyanka,
Mr. Somdev Ash,
Mr. Subhamoy Dutta ... For the Petitioner.

Supplementary affidavit filed on behalf of the petitioner
be kept with the record.

The main contention of the petitioner is that in spite of the vehicle being repossessed, the post dated cheques which were in custody of the financier have been erroneously presented and attempted to be encashed which were consequently dishonoured and which were not legally enforceable debt or liability and by way of suppression a criminal case was filed on which the learned Magistrate without any application of mind took cognizance of the offence under Sections 138/141 of the Negotiable Instruments Act in respect of an individual. Learned advocate for the petitioner to that effect, draws the attention of the Court to the documents relating to higher purchase agreement as well as the petition of complaint and the letter which was communicated by the complainant/company.

I have considered the submissions of the learned advocate for the petitioner so far as the issue relating to taking cognizance under Section 141 of the Negotiable

Instruments Act is concerned. I find that after taking of cognizance, the matter was transferred and subsequently there was an application of mind prior to issuance of process and the process was issued only under Section 138 of the Negotiable Instruments Act which has regularised and the nature of grievance so expressed being a curable irregularity cannot be interfered with at this stage.

So far as the rest of the issues are concerned, the same are question of facts which are based on documents. This Court at this stage is not in a position to appreciate regarding the authenticity and genuinity which are based on attending circumstances of facts. Having considered the same, I am not inclined to interfere at this stage so far as the said issues relating to facts are concerned.

The petitioner would be at liberty to canvass such points in course of the trial. The learned court would appreciate the same and consider the same at the stage of evidence as well as the final arguments of the case.

With the aforesaid observations, the revisional application being CRR 1103 of 2024 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.)