

28.03.2024

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CRR 1144 of 2009

In the matter of : M/s. Pharma Traders & Ors.
.... petitioners.

None appears for the parties.

The report filed by the S.I. Hare Street Police Station dated 05.09.2023 stated that the opposite party No. 2 i.e. Premier Medical Supplies & Stores was not in existence at 44, Ezra Street, Kolkata-01 and the Sri. Jagadish Chandra Gupta could not be traced out. Let the said report be kept on record.

The learned advocate Mr. Kaushik Gupta had earlier appeared for the petitioners before the coordinate Bench on 24.07.2023. Mr. Gupta learned advocate submitted that he was appointed by the High Court Legal Services Committee to represent the petitioners. However, he could not contact with the petitioners. Thereafter, on 08.09.2023, 11.09.2023 and 12.09.2023 none appeared for the parties.

From the perusal of the revisional application along with annexed documents it appears that the petitioner No. 1 a partnership firm and petitioner No. 2 and 3 were its partners dealing with medicines and medical items. The petitioner firm had been in business relationship with the opposite party No. 2 reposing trust and confidence on the same. Subsequently, the relationship between the parties were contrived on the basis of certain disputes and the opposite party No. 2 refrained from placing statements of

accounts and dues of the firm. The petitioners had earlier submitted certain blank cheques within the custody of the opposite party No. 2 which were surreptitiously placed for encashment without knowledge of the petitioner. Subsequently the cheques were dishonored and proceedings were initiated under Section 138 of the N.I. Act. The learned trial courts have dealt with the provisions of Section 138 of the N.I. Act and further observed that the dispute between the parties were not subjected to court of civil jurisdiction and has rightly passed the impugned order. Accordingly, this court is not inclined to interfere with the same.

Accordingly, the instant criminal revisional application is dismissed.

The lower court records be sent down to the trial court for immediately.

Copy of the order be sent to the Department as well as learned Trial Court for due compliance.

(Ananya Bandyopadhyay, J.)