

15.04.2024

Item No.147

Ct.No.34

dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 1380 of 2024

In the matter of : **Pardha Saradhi Kukkapalli** ... Petitioner.

Mr. Pawan Kumar Gupta,
Mr. Manish Sukla,
Ms. Sofia Nesar,
Mr. Santanu Sett,
Mr. Abhijit Bose ... For the Petitioner.

Petitioner has challenged the proceedings on the grounds that the cheque has been misused by the broker who is the complainant of the case. Learned advocate appearing for the petitioner submits that on the said basis Complaint Case No. CN/702 of 2021 under the provisions of Section 138 of the Negotiable Instruments Act is pending before learned Metropolitan Magistrate, 8th Court, Calcutta.

I find from the records that the case was instituted in the year 2021 and the issue so canvassed is a question of fact. Having regard to the same, I am not inclined to interfere with the proceedings at this stage. However, if the petitioner on proper affidavit takes out an application under Section 205 of the Code of Criminal Procedure, learned Magistrate will consider the same and dispense with the personal appearance of the petitioner until and unless the learned Magistrate is of the opinion that absence of the accused/petitioner will deter the progress of the trial.

With the aforesaid observations, the revisional application being CRR 1380 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.)