

D/L136
23.04.2024
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C.R.R.1603 of 2024

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Prasun Gaur and others
Versus
Standard Chartered Bank

Mr. Ayan Poddar
Mr. Soham Dutta.
...for the petitioners.

Petitioners have challenged the continuance of complaint case CS/125188 of 2023 which is pending before the learned Metropolitan Magistrate, 5th Court, Calcutta including the order dated 22.09.2023 passed by the learned CMM, Calcutta.

Learned advocate appearing for the petitioners submits that the learned Metropolitan Magistrate, 5th Court, Calcutta is lacking jurisdiction as the petitioners have dealt with the officials of Standard Chartered Bank at Kanpur. Earlier, notices were issued from the office only. However, Standard Chartered Bank has invoked the jurisdiction of the learned Metropolitan Magistrate, 5th Court, Calcutta purposely to harass the petitioners who are permanent resident of Kanpur. Learned advocate in order to substantiate his arguments has also taken up the issue relating to the factum of no instructions for electronic transfer having been given to Standard Chartered Bank.

Having considered the same, I am of the view that the same is a question of fact to be decided by the learned Magistrate. However, having regard to the petitioners being residents of Kanpur,

I direct that in case an application under Section 205 of the Code of Criminal Procedure is filed before the learned Magistrate with appropriate undertaking as is required under the law, the learned Magistrate will not insist on regular appearance of the present petitioners before the learned trial court until and unless it appears that the trial of the case cannot proceed without the physical presence of the present petitioners.

With the aforesaid observations, CRR 1603 of 2024 is disposed of.

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

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)