

12-03-2024
Subha
Item no.21
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3027 of 2023

Sri Biswajit Dhar
-versus-
Sri Sohan Sadhu

Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra
.....for the petitioner.

Mr. Sanat Kumar Das
Mr. Sujan Chatterjee
Mr. Rohan Bavishi
.....for the opposite party.

Learned advocate for the petitioner submits that CR Case No. 16 of 2020 is a proceedings under Section 138 of the N. I. Act which is pending before the learned Judicial Magistrate, 5th court, Hooghly which was initiated at the instance of the complainant/opposite party.

The present petitioner is an accused in the said case. However, the petitioner submits that the manner in which the cheque has been obtained and/or mis-utilized was a subject matter of investigation of Kalna P. S. Case No. 200 of 2020 dated 14-03-2020 wherein the Investigating Agency on conclusion of investigation submitted report under Section 173 of the Code of Criminal Procedure and is pending before the learned Additional Chief Judicial Magistrate, Kalna.

In view of the subject matter of the case of CR 16 of 2020

(pending before the learned Judicial Magistrate, 5th court, Hooghly) and Kalna PS Case No. 200 of 2020(pending before the learned ACJM, Kalna) relate to a subject matter of a case and counter-case, I am of the view and as consented by the parties, the records of Kalna PS Case No. 200 of 2020 pending before the learned ACJM, Kalna be transferred to the learned Judicial Magistrate, 5th court, Hooghly who is already in seisin of CR Case No. 16 of 2020. The learned Judicial Magistrate, 5th court, Hooghly on receipt of the records would try both the cases by following a schedule and deliver the judgement on the same date.

With the above observations, the present revisional application being CRR 3027 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]