

01.10.2024.
04.
Ct.No.6
as

CRR 3415 of 2024

In the matter of : **Abhijit Mukherjee.**
... Petitioner.

Mr. Jayanta Mitgra.
...for the Petitioner.

1. Petitioner contends the loan has since been repaid and the cheque which was kept with the complainant as security were presented and upon dishonor is the subject matter of the proceeding.
2. I have considered the allegations in the petition of complaint. A legal notice was served upon petitioner/accused calling upon him to repay the amount of the dishonoured cheque. It was not contended in reply the outstanding due had been liquidated. There is a statutory presumption that the cheque had been issued against legally enforceable debtor liability.
3. In view of the aforesaid circumstances, no jurisdictional error in instituting criminal proceeding under Section 138 of the N. I. Act is made out. It is open to the petitioner to canvass his defence in course of trial.
4. Accordingly, the revisional application is disposed of.
5. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)