

**04.01.2024**  
**Serial no. 6**  
[G.S.D]

**CRR 4983 of 2023**

**In the matter of : Ranjana Khanna**

**... .. Petitioner**

*Mr. B. Pandit*  
*Mr. A. Nath*  
*Mr. A. Dutta*

**... PETITIONER**

The present revisional application has been preferred for quashing Case No. C/20/2019 which was initiated under section 138/141 of the N.I. Act which is pending before the Id. JM, 4<sup>th</sup> Court, Alipore.

Ld. advocate submits that since the insolvency proceedings were initiated against the company namely, M/s. Gems Care & Cure Health Centre Private Ltd, the prosecution against the present petitioner who happens to be the accused no. 3 in the petition of complaint, cannot be continued.

The Hon'ble Supreme Court in the case of *P. Mohanraj & Ors. -Vs- Shah Brothers Ispat Private Ltd., reported in (2021) 6 SCC 258* has pronounced the verdict that the case against the company will not proceed.

However, so far as the natural persons who are responsible for and on behalf of the company the proceedings under section 138 of the N.I. Act would continue against them.

Having regard to the issue which has been canvassed, I am of the opinion that there is no scope for quashing of the proceedings or interference in respect of continuance so far as the present petitioner is concerned.

The records reflect that the application under section 205 of the cr.p.c. for being represented by the Id. advocate was dismissed by the Id. JM.

Having regard to the nature of the proceedings, I direct that the physical appearance of the petitioner may not be warranted in the day to day proceedings of the court, if the petitioner files an application by adhering to the principles set out by the Hon'ble Supreme Court in respect of dispensing of personal appearance under section 205 of the cr.p.c. The Id. JM would freshly consider the same and will not insist on regular attendance of the present petitioner before the Id. trial court.

With the aforesaid observations, CRR 4983 of 2023 is disposed of.

Pending application (s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**