

17.05.2024

52

SR

CRR 4078 of 2012
with
CRAN 2 of 2014 (Old No.CRAN 4232 of 2014)
and
CRAN 3 of 2015 (Old No.CRAN 2991 of 2015)

**In the matter of: Md. Shahid Aftab @ Md. Sahid Aftab
...Petitioner.**

The instant revisional application has been filed for quashing of the proceedings of Case No.C/25038/2010 under Sections 138/141 of the Negotiable Instruments Act pending before the Court of the learned Metropolitan Magistrate, 14th Court at Calcutta including Order dated 01.12.2012 passed in connection therewith.

Perused the contention of the petition as well as the impugned order. From the certified copy of the order-sheet pertaining to the complaint case pending before the 14th Metropolitan Magistrate, Calcutta, it appears that on several occasions the complainant was present before the trial court whereas the accused persons did not appear before the Court and a petition under Section 205 of the CrPC was filed by the accused nos.3, 4 and 5.

The learned trial Court did not reject the petition filed under Section 205 of the CrPC and next date was fixed on 21st January, 2013 for hearing of the petition. The present petitioner being one of the Directors of the company resided at Ballygange Circular Road, Kolkata and did not appear before the Court on several occasions nor was he represented by any learned advocate. The trial court had issued warrant of arrest against the accused no.6. The petitioner has raised the contention of vicarious liability as well as

non-compliance of the mandate of Section 202 of the Code of Criminal Procedure. From the address of the present petitioner, it appears that the petitioner is a resident of Kolkata within the jurisdiction of the Court of Metropolitan, Calcutta. Moreover, from the report of the Officer-in-charge of Ballygange Police Station, Kolkata, it appears that the petitioner had left his residence more than 10 years ago and went to some other place. The petitioner did not reside outside the jurisdiction of that trial Court and, accordingly, his plea that the trial court did not comply with the provision of Section 202 of the Code of Criminal Procedure is not acceptable.

Under such circumstances, the instant revisional application along with connected applications is dismissed.

Copy of the order be communicated to the department as well as the trial court for due compliance.

(Ananya Bandyopadhyay, J.)