

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

C.R.R. 3210 of 2023

(Assigned)

Kavita Sharma

-Vs-

IDFC First Bank Ltd.

For the Petitioner : Mr. Dulal Dey

For the Opposite Party : Mr. Debangana Bhattacharjee

Heard on : 16.08.2024, 04.12.2024

Judgment on : 15.05.2025

Ananya Bandyopadhyay, J.:-

1. The present revisional application had been preferred for quashing of Complaint Case No. 48668 of 2022, filed under Sections 138 and 141 of the Negotiable Instruments Act, 1881 (as amended), including orders dated 04.06.2022 and 02.07.2022 passed by the Learned 12th Metropolitan Magistrate, Calcutta. The petitioner had assailed the maintainability of the said proceedings on various factual and legal grounds.
2. It had been the case of the opposite party (complainant) that a loan initially availed from M/s. Capital First Ltd. had stood transferred to IDFC Bank Ltd.

upon merger pursuant to an order passed by the NCLT, Mumbai, and the said entity had subsequently been renamed as IDFC First Bank Ltd. The opposite party had alleged that the petitioner had approached it for financial assistance amounting to ₹38,90,000/- and, in partial discharge of liability, had issued a cheque bearing No. 941369 dated 30.03.2022 drawn on Canara Bank for ₹9,72,500/-. The said cheque, upon being presented for encashment to HDFC Bank, Park Street Branch, had been dishonoured for insufficiency of funds, as per return memo dated 11.04.2022.

3. Thereafter, the opposite party had issued a demand notice dated 11.05.2022 through registered post with acknowledgment due, calling upon the petitioner to discharge the said liability within fifteen days. The complainant had relied on the postal tracking report to contend that the notice had been duly served, in the absence of the A/D card or returned envelope. Upon presumed service and non-payment, the opposite party had filed a complaint under Sections 138 and 141 of the N.I. Act, which had been registered as Case No. CS/48668 of 2022.
4. The petitioner, who had been arrayed as accused no. 3 alongside three others—namely, Suresh Kumar Sharma (Prop. Rajshree Pictures), Suresh Kumar Sharma (in personal capacity), and Rajshree Pictures—had challenged her implication in the complaint proceedings. It had specifically been contended that the cheque in question had neither been issued nor signed by the petitioner and that she had not been an authorised signatory of Rajshree Pictures. The cheque had been issued by accused no. 1, Suresh

Kumar Sharma, in his capacity as proprietor of Rajshree Pictures. No signature of the petitioner had appeared on the impugned cheque leaf.

5. It had further been submitted by the petitioner that there had been no averment in the complaint alleging that she had been in charge of or responsible for the conduct of the business of the company at the relevant time, as required under Section 141 of the N.I. Act to attract vicarious liability. The petitioner had contended that the Learned Magistrate had taken cognizance and issued process mechanically, solely on the basis of the affidavit of the complainant's authorised representative, without application of judicial mind or due examination of materials on record. There had, in fact, been no specific role ascribed to the petitioner in the commission of the alleged offence.
6. The petitioner had resided outside the territorial jurisdiction of the Learned Trial Court. Relying on the judgment of the Hon'ble Supreme Court in In Re: Expeditious Trial of Cases under Section 138 of the N.I. Act (Suo Motu Writ Petition (Criminal) No. 2 of 2020), it had been urged that compliance with Section 202 of the Cr.P.C. had been mandatory in all complaints under Section 138 where the accused had resided beyond the jurisdiction of the Court. It had been argued that in the instant case, no such enquiry had been conducted under Section 202 Cr.P.C., thereby vitiating the order of issuance of process.
7. The petitioner had further relied upon the decision of the Hon'ble Apex Court in Birla Corporation Ltd. v. Adventz Investments & Holdings Ltd., (2019) 16

SCC 610, wherein it had been held that the issuance of process must be preceded by judicial scrutiny, and failure to conduct mandatory enquiry under Section 202 Cr.P.C. in such cases had not been a mere procedural irregularity but a jurisdictional defect.

8. It had also been the case of the petitioner that the mandatory requirement of service of notice under Section 138 of the N.I. Act had not been satisfied. The complainant had relied solely on a postal tracking report in the absence of acknowledgment or returned envelope, which, according to the petitioner, had been insufficient to presume valid service of notice under law.
9. In light of the above, the petitioner had submitted that the impugned complaint and orders dated 04.06.2022 and 02.07.2022 had been liable to be quashed for want of foundational requirements under Sections 138 and 141 of the N.I. Act, absence of proper application of mind by the Learned Magistrate, and non-compliance with the mandatory provisions of Section 202 Cr.P.C.
10. The Learned Advocate representing the petitioner had submitted that the cheque bearing No. 941369 dated 30.03.2022, drawn on Canara Bank for a sum of ₹9,72,500/-, had not been issued by the petitioner but by the authorised signatory of Rajshree Pictures, namely accused no. 1, Suresh Kumar Sharma, the sole proprietor of the said firm. The said cheque leaf had not contained the petitioner's signature, as she had not been the authorised signatory, and accordingly, no legal liability had been attracted in her name. In light of this, the instant proceedings had been liable to be quashed.

11. The petitioner had further contended that the complaint petition had not contained any averment to the effect that she had been an authorised signatory of Rajshree Pictures or had been managing its business affairs. The Learned Magistrate, without considering this fact and despite the petitioner residing beyond the territorial jurisdiction of the Court, had issued summons without conducting any inquiry under Section 202 of the Code of Criminal Procedure. As such, the issuance of process had been vitiated for non-compliance with a mandatory statutory safeguard.
12. In support of this contention, the petitioner had relied upon the Suo Motu Writ Petition (Criminal) No. 2 of 2020 titled In Re: Expeditious Trial of Cases under Section 138 of the N.I. Act, 1881, where the Hon'ble Supreme Court had directed that in all complaints under Section 138 of the N.I. Act, where the accused resided outside the jurisdiction of the Court, an inquiry under Section 202 Cr.P.C. had to be conducted to determine sufficient grounds to proceed. However, the Learned Magistrate had issued the impugned order dated 02.07.2022 in violation of the said binding directions.
13. The petitioner had also placed reliance on the judgment of the Hon'ble Supreme Court in Birla Corporation Ltd. vs. Adventz Investments & Holdings Ltd., (2019) 16 SCC 610, which had laid down that the issuance of process ought not to have been mechanical and that a Magistrate must apply judicial mind and consider all material particulars before proceeding under Section 204 Cr.P.C. The Court had clarified that the use of the word "shall" in Section 202 Cr.P.C. had imposed a mandatory duty upon the Magistrate to

conduct an inquiry where the accused resided beyond the Court's territorial limits.

14. Another ground taken by the petitioner had been that no demand notice, as required under Section 138 of the N.I. Act, had ever been served upon her. The petitioner had contended that the institution of a complaint under the said provision had been contingent upon due service of demand notice, which had admittedly not been effected in her case. Despite this, the opposite party had presumed valid service on the basis of a postal track report and had proceeded with the filing of the complaint. In doing so, the opposite party had concluded that the petitioner had failed to repay the cheque amount, whereas in fact, no notice had been received by her.
15. The Learned Advocate representing the petitioner reiterated that the case in question had arisen from a loan granted to accused nos. 1 and 2, and her name had only been added as accused no. 3 because she had signed the housing loan agreement as a co-applicant-cum-guarantor. It had been submitted that the Learned Magistrate, without examining the documents produced by the complainant and without applying judicial mind, had issued summons as though the petitioner had signed or drawn the dishonoured cheque, or that it had been issued from a joint account held by her.
16. It was further asserted that even if the loan agreement bore her signature as co-applicant, a prosecution under Section 138 of the N.I. Act could not have been initiated unless she had drawn or signed the dishonoured cheque. In

the complaint petition (Annexure A), the opposite party had relied on the Bank Return Memo dated 11.04.2022, wherein the cheque had been returned unpaid with the remark “insufficient funds.” A notice dated 11.05.2022 had thereafter been issued, but the basis of the complaint had not been the loan agreement itself, and thus the agreement had not given rise to criminal liability under the Act.

17. It had been further argued that the petitioner had never been alleged to be a joint account holder of the Canara Bank account from which the dishonoured cheque had been issued. This fact had not been disclosed either in the affidavit-in-opposition or in the complaint petition. The opposite party had failed to clarify this crucial aspect before either the Trial Court or this Hon’ble Court, despite the petitioner’s specific challenge to the assumption of her liability.
18. The petitioner had submitted that the relevant bank account had been held solely in the name of Suresh Kumar Sharma, proprietor of Rajshree Pictures, and that the cheque in question had been drawn from a current account held by the said proprietary concern. Page 10 of Annexure A-1 to the affidavit-in-opposition had clearly indicated this fact. The petitioner had had no role, authority, or involvement in the financial transactions of the said firm. The opposite party had made no averment to the contrary.
19. It had also been submitted that under the scheme of the Negotiable Instruments Act, only a “drawer” of a cheque could be prosecuted under Section 138. A non-drawer and non-signatory could not have been deemed

to have committed an offence under the said provision. The language of Section 138, read with Section 7, had indicated that the drawer alone bore criminal liability. The mere fact that the petitioner had been the spouse of accused no. 1 had not been sufficient to attract liability under the Act.

20. The opposite party had not been able to contradict or disprove her case by producing any documentary evidence establishing her connection to the cheque in question. The complaint had been based solely on the cheque return memo and other documents without demonstrating that the petitioner had any role in the issuance or dishonour of the cheque.

21. The Learned Advocate representing the petitioner had relied on the judgment of the Hon'ble Punjab and Haryana High Court in Shalu Arora vs. Tanu Bathla dated 30.11.2023, wherein it had been held that a spouse could not be prosecuted merely because of marital relationship with the drawer of the cheque. The High Court had emphasised that joint liability to repay a loan did not translate into joint criminal liability under Section 138 unless there had been evidence of joint account holding or joint signatory. The Court had further clarified that the submission of the opposite party that such issues ought to be addressed during trial had not been sustainable in law, particularly in light of the legal principles set forth in the aforementioned judgment.

22. Accordingly, the petitioner had prayed for quashing of Complaint Case No. C/48668 of 2022 and the impugned order of issuance of summons against her, as the same had been vitiated by non-compliance with mandatory

provisions of law and absence of any prima facie material to justify her prosecution.

23. The Learned Advocate representing the opposite party urged that the application had been filed at a premature stage where only process had been issued, and that the petitioner had sought to introduce extraneous materials that had been, at best, her defence in trial. It had been argued that such questions of fact could not be adjudicated in a proceeding under Section 482 Cr.P.C., and that the Hon'ble Court, in exercise of its revisional jurisdiction, had been required to ascertain whether a prima facie case under Sections 138/141 of the Negotiable Instruments Act had been disclosed. The Bank had contended that the complaint, along with supporting materials, had satisfied such threshold.
24. In this regard, reliance was placed on the statutory presumption under Section 139 of the Negotiable Instruments Act, and contended that the burden to rebut the same had squarely lain upon the accused, which could only have been discharged by way of cross-examination or defence evidence at trial. It had been urged that the documents sought to be relied upon by the petitioner in the revisional application had neither been unimpeachable nor of sterling quality, and therefore ought not to have been considered at this stage. On such premise, it had been contended that the revisional application had not been maintainable and had been liable to be dismissed.
25. The petitioner had invoked the revisional jurisdiction of this Court seeking quashing of Complaint Case No. 48670 of 2022 under Sections 138 and 141

of the Negotiable Instruments Act, 1881, along with orders dated 04.06.2022 and 02.07.2022 passed by the Learned 12th Metropolitan Magistrate, Calcutta. The petitioner had been arrayed as accused no. 3 on the allegation of having jointly availed a loan facility, against which a cheque for ₹19,45,000/- bearing no. 941368 dated 30.03.2022 drawn on Canara Bank had been issued in partial discharge of the alleged liability. The said cheque, having been dishonoured due to insufficient funds, had led to issuance of a statutory notice dated 11.05.2022 and subsequent filing of the complaint.

26. It had been the specific case of the petitioner that she had neither signed the cheque in question nor had been an authorised signatory of Rajshree Pictures, the proprietorship concern from whose account the cheque had been drawn by accused no. 1, Suresh Kumar Sharma. The complaint had contained no averment that the petitioner had been responsible for or involved in the business of the said firm. It had also been contended that no demand notice had been served upon her in accordance with law, and that the presumption of deemed service based solely on postal tracking without any acknowledgment due card or returned envelope had been legally untenable.

27. The petitioner had further submitted that the Learned Magistrate had issued process without conducting the mandatory inquiry under Section 202 Cr.P.C., despite the petitioner residing outside the territorial jurisdiction of the Court. In support of her contention, reliance had been placed on the judgments of the Hon'ble Supreme Court in In Re: Expeditious Trial of Cases

under Section 138 of N.I. Act, *Suo Motu Writ Petition (Crl.) No. 2 of 2020*, and *Birla Corporation Ltd. v. Adventz Investments & Holdings Ltd.*, (2019) 16 SCC 610, which had categorically held that the word “shall” in Section 202 Cr.P.C. made the enquiry mandatory in such cases and non-compliance thereof vitiated the issuance of process.

28. The petitioner had also relied upon the judgment of the Hon’ble Punjab & Haryana High Court in *Shalu Arora v. Tanu Bathla*, decided on 30.11.2023, to assert that mere marital relationship with the drawer of the cheque could not attract criminal liability under Section 138 of the N.I. Act, absent proof of joint signatory status or active involvement in the issuance of the cheque.
29. In her written notes of arguments, the petitioner had reiterated that she had been named solely as a co-applicant and guarantor in the loan agreement, which by itself did not give rise to criminal liability under the N.I. Act. The cheque in question had been drawn from a current account maintained solely in the name of accused no. 1, and no material had been placed on record by the opposite party to establish any connection of the petitioner with the proprietary concern Rajshree Pictures or with the issuance of the dishonoured cheque.
30. Section 202 of the Code of Criminal Procedure, 1973 states as follows:-

“202. Postponement of issue of process.—(1) Any Magistrate, on receipt of a complaint of an offence of which he is authorised to take cognizance or which has been made over to him under section 192, may, if he thinks fit, 1 [and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction,] postpone the issue of process against the accused, and either inquire into the case

himself or direct an investigation to be made by a police officer or by such other person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding:

Provided that no such direction for investigation shall be made,—

(a) where it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session; or

b) where the complaint has not been made by a Court, unless the complainant and the witnesses present (if any) have been examined on oath under section 200.

(2) In an inquiry under sub-section (1), the Magistrate may, if he thinks fit, take evidence of witnesses on oath:

Provided that if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the complainant to produce all his witnesses and examine them on oath.

(3) If an investigation under sub-section (1) is made by a person not being a police officer, he shall have for that investigation all the powers conferred by this Code on an officer in charge of a police station except the power to arrest without warrant.”

31. In **National Bank of Oman v. Barakara Abdul Aziz And Anr.**¹, the Hon’ble Supreme Court observed as follows:

“8. We find no error in the view taken by the High Court that the CJM, Ahmednagar had not carried out any enquiry or ordered investigation as contemplated under Section 202 Cr.P.C. before issuing the process, considering the fact that the respondent is a resident of District Dakshin Kannada, which does not fall within the jurisdiction of the CJM, Ahmednagar. It was, therefore, incumbent upon him to carry out an enquiry or order investigation as contemplated under Section 202 Cr.P.C. before issuing the process.

¹ (2013) 2 SCC 488

9. *The duty of a Magistrate receiving a complaint is set out in Section 202 Cr.P.C. and there is an obligation on the Magistrate to find out if there is any matter which calls for investigation by a criminal court. The scope of enquiry under this section is restricted only to find out the truth or otherwise of the allegations made in the complaint in order to determine whether process has to be issued or not. Investigation under Section 202 Cr.P.C. is different from the investigation contemplated in Section 156 as it is only for holding the Magistrate to decide whether or not there is sufficient ground for him to proceed further. The scope of enquiry under Section 202 Cr.P.C. is, therefore, limited to the ascertainment of truth or falsehood of the allegations made in the complaint:*

- (i) on the materials placed by the complainant before the court;*
- (ii) for the limited purpose of finding out whether a prima facie case for issue of process has been made out; and*
- (iii) for deciding the question purely from the point of view of the complainant without at all adverting to any defence that the accused may have.*

10. *Section 202 Cr.P.C. was amended by the Code of Criminal Procedure (Amendment) Act, 2005 and the following words were inserted:*

“and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction.”

The notes on clauses for the abovementioned amendment read as follows:

“False complaints are filed against persons residing at far off places simply to harass them. In order to see that innocent persons are not harassed by unscrupulous persons, this clause seeks to amend sub-section (1) of Section 202 to make it obligatory upon the Magistrate that before summoning the accused residing beyond his jurisdiction he shall enquire into the case himself or direct investigation to be made by a police officer or by such other person as he thinks fit, for finding out

whether or not there was sufficient ground for proceeding against the accused.”

The amendment has come into force w.e.f. 23-6-2006 vide Notification No. S.O. 923(E) date 21-6-2006.

11. We are of the view that the High Court has correctly held that the abovementioned amendment was not noticed by the CJM, Ahmednagar. The CJM had failed to carry out any enquiry or order investigation as contemplated under the amended Section 202 Cr.P.C. Since it is an admitted fact that the accused is residing outside the jurisdiction of the CJM, Ahmednagar, we find no error in the view taken by the High Court.

12. All the same, the High Court instead of quashing the complaint, should have directed the Magistrate to pass fresh orders following the provisions of Section 202 Cr.P.C. Hence, we remit the matter to the Magistrate for passing fresh orders uninfluenced by the prima facie conclusion reached by the High Court that the bare allegations of cheating do not make out a case against the accused for issuance of process under Section 418 or 420 I.P.C. The CJM will pass fresh orders after complying with the procedure laid down in Section 202 Cr.P.C., within two months from the date of receipt of this order.”

32. The order dated 04.06.2022 in CS/48668/2022 passed by the Learned Chief Metropolitan Magistrate at Calcutta stated as follows:-

“Complaint filed along with an affidavit and documents by the complainant seeking prosecution of accused U/S 138 of the Negotiable Instrument Act, 1881

Considered

Cognizance is taken

Let the record be transferred to the file of Learned Metropolitan Magistrate 12th Court for enquiry and Disposal According to law.”

33. The order dated 02.07.2022 passed by the Learned Metropolitan Magistrate, 12th Court, Calcutta stated as follows:-

“Received the case record by way of transfer from Learned C.M.M. Calcutta

Today the date is fixed for S/A under Section 200 of Code of Criminal Procedure, 1973

The Complainant filed examination in chief on affidavit.

Ld Advocate for the Complainant prayed to pass necessary order for issuing summon upon the accused, and mentioned that when the cognizance of the case is taken, in such a situation further examination of the complainant is not required under section 200 of the criminal procedure code and referred a decision of the Honourable Supreme Court reported in (2014) 2 Supreme Court Cases (Cri) 652 in support of his contention.

I have very carefully gone through the decision of the Honourable Supreme Court as referred on the part of the complainant with due respect and care and I bow before the decision of the Honourable Supreme Court.

Perused the materials on record.

Considering that from materials available on record Prima facie it appears that there is enough materials to proceed on with the case u/s 138 of N.I. Act against accused person and as per the decision of the Honourable Supreme Court as referred on the part of the Ld Advocate for complainant, the present complainant of this case is not examined under section 200 of criminal procedure cod after cognizance of this case is already been taken and in the light of the decision as referred on the part of the Ld Advocate for the complainant.

let notice upon the accused person be issued directing him to appear before the Court.

Complainant is directed to file requisites at once.

Fix 03.08.2022 for S/R and appearance of the accused person.”

34. Both the Courts of Learned Chief Metropolitan Magistrate and Learned Metropolitan Magistrate, 12th Court at Calcutta have not complied with the provision of the Section 202 of the Cr.P.C. since the petitioner has been a resident of Howrah which is beyond the jurisdiction of the Court of Metropolitan Magistrate.
35. The cognizance of the offence alleged successively proceeds towards issuance of process to the accused. The concept of taking cognizance of an offence relates to proper application of mind by the Magistrate being an obligation to delve into the allegations in the complaint along with an enquiry to be conducted thereon and statements to be recorded so that there should not be any violation of law to the satisfaction of the Magistrate, prior to summon, the person to appear before the criminal Court and the same should not be treated casually, mechanically or technically as a nominal matter of course.
36. In the instant case, the cognizance was taken without following the provisions of Section 190(1)(a) Cr.P.C., followed by Section 204 of the Cr.P.C. The Magistrate did not consider it to be obligatory to enquire into the case himself or direct investigation by a police officer or by a competent person, according to him to find out whether there was any sufficient ground to accuse who was residing beyond his jurisdiction.
37. The observation of the Learned Metropolitan Magistrate at Calcutta as aforesaid in view of the amended provisions of the Section 202 of the Cr.P.C. which was obligatory on him to adhere to the principles of amended provision of Section 202 Cr.P.C. was failed to be complied with.

38. In the case of **State of Haryana and Others v. Bhajan Lal and Others**²

the Hon'ble Supreme Court observed as follows :-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

² 1992 SCC(Cri) 426

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non- cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

39. The documents on record are not unimpeachable or of sterling quality whereby the proceedings initiated against the petitioner can be quashed at such nascent stage whether prima facie allegations of being a joint signatory to a cheque can conclusively preclude the petitioner from facing the trial exclusively on the ground of her being a spouse. Her authority to be a signatory to the cheque whether binds her to legal liability or not cannot be assumed or presumed at this stage which can only be unraveled through the process of trial.

40. This Court in exercising its jurisdiction under Section 482 of the Cr.P.C. can sparingly deduce the basis of a criminal case and cannot act as a Trial Court in dealing with criminal matters where intent and purport of the criminality as alleged requires exhaustive recording of evidence both oral and documentary.
41. In view of the above discussions, the order dated 04.06.2022 and 02.07.2022 are hereby set aside. The Learned Metropolitan Magistrate is directed to exhaust the procedures enumerated under Section 202 of the Cr.P.C. and proceed with further hearing of Complaint Case No. CS/48668/2022 in accordance with law, which is not quashed.
42. In view of the above discussions, the instant criminal revisional application being CRR 3210 of 2023 is disposed of.
43. There is no order as to costs.
44. Let the copy of this judgment be sent to the Learned Trial Court as well the police station concerned for necessary information and compliance.
45. Photostat certified copy of this order, if applied for, be given to the parties on priority basis on compliance of all formalities.

(Ananya Bandyopadhyay, J.)