

CS - 44041/2022
Reg No.CS - 44041/2022

Order dated: 03.04.2023

Today is fixed for appearance.

Complainant is present with his Ld. Advocate.

Ld. Advocate on behalf of the accused No.1 files a petition u/s 305 of Cr.PC.

The petition is taken up for hearing.

Heard. Ld. Advocate on behalf of the complainant raised no objection. Considered the petitions u/s 305 Cr.PC is hereby allowed and Mr. Partha Sarathi Roy, Officer Administration is permitted to represent the accused No.1 on condition that the representative of accused No.1 shall appear before the Court during consideration of plea, examination u/s 313 Cr.PC, on the date of delivery of Judgment and as when so directed by this Court.

Another petition u/s 205 Cr.PC filed on behalf of the accused Nos.2, 3, 4 and 5.

The petition u/s 205 Cr.PC is taken up for hearing in presence of the Ld. Advocates for both sides.

Heard. Perused the petition u/s 205 Cr.PC and the case record.

Considered.

Considered the nature of allegation. It is contended that the accused Nos.2, 3, 4 and 5 are senior citizens and they have been suffering from various old age ailments so, it is difficult for them to appear on each date of hearing. In view of the nature of allegations, I am of the opinion that personal appearance of accused Nos.2, 3, 4 and 5 on all dates as may be fixed by this Court in this case may not be necessary if they are represented by their pleader. Accordingly, the prayer u/s 205 Cr.PC is allowed and the Ld. Advocate on behalf of accused Nos.2, 3, 4 and 5 namely Mr. Avijit Baran Das is permitted to represent accused Nos.2, 3, 4 and 5 on condition that these accused persons must present themselves before this Court whenever it is so directed by this Court and also on the dates of hearing of plea, examination u/s 313 of Cr.PC and at the time of delivery of judgment.

This petition is thus disposed off.

D/C by me,

*M.M., 3rd Court,
Calcutta*

*Metropolitan Magistrate, 3rd Court,
Calcutta*

Later:

03.04.2023

The record is taken up for examination of accused persons u/s 251 Cr.PC.

Ld. Advocate on behalf of the complainant is present.

Perused the record.

Allegation against the accused is that they, in discharge of their obligation to pay Rs.17,207/- to the complainant, issued a cheque being No. "806836", dated 15.03.2022 amounting to Rs.17,207/- of Standard Chartered Bank, Kolkata to the complainant, who presented the said cheque for encashment at State Bank of India, 11, UN Brahmachari Street, Kolkata-17 but the aforesaid cheque was dishonoured due to "Account Closed" in the account of accused on 17.03.2022. On 02.04.2022 the complainant issued a notice through his Ld. Advocate claiming the aforesaid cheque amounts and the notice to that effect was duly received by accused but till date the loan is not repaid.

Accordingly, it is read over to the Ld. Advocate for the accused persons under section 251 of Cr. P.C for committing the offence punishable under section 138 of N.I. Act and substance of the allegation to that effect that "they, in discharge of their obligation to pay Rs.17,207/- to the complainant, issued a cheque being No. "806836", dated 15.03.2022 amounting to Rs.17,207/- of Standard Chartered Bank, Kolkata to the complainant, who presented the said cheque for encashment at State Bank of India, 11, UN Brahmachari Street, Kolkata-17 but the aforesaid cheque was dishonoured due to "Account Closed" in the account of accused on 17.03.2022. On 02.04.2022 the complainant issued a notice through his Ld. Advocate claiming the aforesaid cheque amounts and the notice to that effect was duly received by accused but till date the loan is not repaid" is read over and explained to the Ld. Advocate on behalf accused to which he pleaded not guilty.

To **26.07.2023** for evidence of complainant.

Accused as before.

D/C by me,

*M.M., 3rd Court,
Calcutta*

*Metropolitan Magistrate, 3rd Court,
Calcutta*