

C.S- 1338/2023
Reg No. C.S-1338/2023

Order dated: 09.08.2023

Today is fixed for plea.

Complainant is present.

Ld. Advocate on behalf of accused no.1 is present and files a petition u/s 317 of Cr.PC to condone the absence of the accused no.1 represent him only for today and submitted that on behalf of the accused no.1 he may be allowed to plead after the allegations is read over to him. The Ld. Advocate for the complainant raised no objection.

Copy served.

The record is now taken up for plea.

Perused the record.

Allegation against the accused person is that he, in discharge of his obligation to the complainant, issued a cheque being Cheque No. "000748" dated 12.12.2022 amounting to Rs.3,50,000/- of ICICI Bank, Salt Lake, Sector-2 Branch to the complainant, who presented the said cheque for encashment at State Bank of India, Overseas Branch, Kolkata. But the aforesaid cheque was dishonoured due to "Insufficient Funds" in the account of accused on 13.12.2022. On 27.12.2022 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 person but till date the loan is not repaid.

Accordingly, it is read over to the Ld. Advocate for the accused person under section 251 of Cr. P.C to the effect that "the accused, issued a cheque being Cheque No. "000748" dated 12.12.2022 amounting to Rs.3,50,000/- of ICICI Bank, Salt Lake, Sector-2 Branch to the complainant, who presented the said cheque for encashment at State Bank of India, Overseas Branch, Kolkata. But the aforesaid cheque was dishonoured due to "Insufficient Funds" in the account of accused on 13.12.2022. On 27.12.2022 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 person but till date the loan is not repaid" is read over and explained to the Ld. Advocate on behalf of the accused person to which he pleads not guilty.

An another petition is filed by the complainant u/s 143(A) of the Negotiable Instrument Act. Let the same be kept with the record.

Fix **10.11.2023** for hearing of petition u/s 143(A) of the Negotiable Instrument Act.

D/C by me,

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

*Metropolitan Magistrate, 3rd Court,
Calcutta (J.O Code WB01206)*