

C.N- 261/2021
Reg No. CN-261/2021

Order dated 03.02.2022

Today is fixed for appearance of the accused person positively.

Complainant is present.

The sole accused, namely, Asim Banerjee on C/B is present.

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

Perused the record.

Allegation against the accused is that he, in discharge of his obligation to pay Rs.13,00,000/- to the complainant, issued a cheque being Cheque No. "413411", dated 15.01.2021 amounting to Rs.4,50,000/- of State Bank of India, Hatibagan Branch, Kolkata to the complainant, who presented the said cheque for encashment at Punjab National Bank, Bagbazar Branch, Kolkata. But the aforesaid cheque was dishonoured due to "Funds Insufficient" in the account of accused on 18.01.2021. On 27.01.2021 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, accused was examined 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 "you, in discharge of your obligation to pay Rs.13,00,000/- to the complainant, issued a cheque being Cheque No. "413411", dated 15.01.2021 amounting to Rs.4,50,000/- of State Bank of India, Hatibagan Branch, Kolkata to the complainant, who presented the said cheque for encashment at Punjab National Bank, Bagbazar Branch, Kolkata. But the aforesaid cheque was dishonoured due to "Funds Insufficient" in your account on 18.01.2021. On 27.01.2021 the complainant issued a notice through his Ld. Advocate claiming the aforesaid cheque amounts and the notice to that effect was duly received by you but till date the loan is not repaid" is read over and explained to the accused to which he pleads not guilty by saying "ami nirdosh".

Hence, the trial to be proceeded accordingly.

Fix **19.04.2022** for evidence of complainant.

Accused as before.

D/C by me,

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

*Metropolitan Magistrate, 3rd Court,
Calcutta*