

C.S- 45307/2021
Reg No. CS-45307/2021
CNR- WBCS02-046807-2021

Order dated 30.11.2022

Today is fixed for plea.

Complainant is present.

The accused namely Md. Morsalim is present.

Perused the record.

Allegation against the accused is that he, in discharge of his obligation to pay Rs.1,62,594/- to the complainant, issued a cheque being Cheque No. "824939", dated 06.02.2021 amounting to Rs.1,62,594/- of State Bank of India, Karandighi Branch to the complainant, who presented the said cheque for encashment at State Bank of India, La. Martiniere Branch, Kolkata. But the aforesaid cheque was dishonoured due to "Drawer's Signature incomplete/illegible/differs/ required" in the account of accused on 11.03.2021. On 23.03.2021 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.1,62,594/- to the complainant, issued a cheque being Cheque No. "824939", dated 06.02.2021 amounting to Rs.1,62,594/- of State Bank of India, Karandighi Branch to the complainant, who presented the said cheque for encashment at State Bank of India, La. Martiniere Branch, Kolkata. But the aforesaid cheque was dishonoured due to "Drawer's Signature incomplete/illegible/differs/ required" in your account on 11.03.2021. On 23.03.2021 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 "Main nirdosh hun".

Hence, the trial to be proceeded accordingly.

Fix **06.02.2023** for evidence of complainant.

Accused as before.

D/C by me,

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

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