

C.S- 55366/2017
Reg No. CS/55366/2017

Order dated 18.03.2021

Today is fixed for consideration of plea.

Complainant is present.

The sole accused person namely, Md. Latiful Khabir on C/B is present.

Now the record is taken up for consideration of plea.

Perused the record.

Allegation against the accused is that he, in discharge of his obligation to pay Rs.21,000/- to the complainant, issued a cheque being Cheque No. "159042", dated 30.05.2017 amounting to Rs.21,000/- of Allahabad Bank, Dechapara Branch-742301 to the complainant, who presented the said cheque for encashment at Axis Bank Ltd. Shakespeare Sarani Branch, Kolkata-71. But the aforesaid cheque was dishonoured due to "Funds Insufficient" in the account of accused on 12.06.2017. On 05.07.2017 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.21,000/- to the complainant, issued a cheque being Cheque No. "159042", dated 30.05.2017 amounting to Rs.21,000/- of Allahabad Bank, Dechapara Branch-742301 to the complainant, who presented the said cheque for encashment at Axis Bank Ltd. Shakespeare Sarani Branch, Kolkata-71. But the aforesaid cheque was dishonoured due to "Funds Insufficient" in your account on 12.06.2017. On 05.07.2017 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 hu".

Hence, the trial to be proceeded accordingly.

Fix **26.07.2021** for evidence of complainant.

Accused as before.

D/C by me,

M.M., 3rd Court,
Calcutta

Metropolitan Magistrate, 3rd Court,
Calcutta