

C.S- 63499/2021
Reg No. CS-63499/2021

Order dated: 10.04.2023

Today is fixed for plea.

Complainant is present.

Accused person is present.

The record is now taken up for consideration of plea.

Perused the record.

Allegation against the accused is that he, in discharge of his obligation to the complainant, issued a cheque being Cheque No. "025036" dated 28.04.2021 amounting to Rs.1,95,000/- of State Bank of India, Islampur, Uttar Dinajpur to the complainant, who presented the said cheque for encashment at ICICI Bank Limited, Rasoi Court Branch, Kolkata. But the aforesaid cheque was dishonoured due to "Funds Insufficient" in the account of accused on 18.06.2021. On 21.06.2021 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 were 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 the complainant, issued a cheque being Cheque No. "025036" dated 28.04.2021 amounting to Rs.1,95,000/- of State Bank of India, Islampur, Uttar Dinajpur to the complainant, who presented the said cheque for encashment at ICICI Bank Limited, Rasoi Court Branch, Kolkata. But the aforesaid cheque was dishonoured due to "Funds Insufficient" in your account on 18.06.2021. On 21.06.2021 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 person to which he pleads not guilty by saying "Main Nirdosh Hun".

Hence, the trial to be proceeded accordingly.

Fix **07.08.2023** 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)