C.R. 133/16.

20

08-04-2019

The complainant in person is present before the Court and files hazira.

The accused on C.B is present in person before the Court and files hazira.

Ld. Adv on behalf of accused person is present.

It appears that complainant is proceed his own case.

Today is fixed for bringing stay order i.d examination of the accused person U/S 251 Cr.P.C.

As the accused failed to bring any stay order from the Hon'ble High Court. Hence the case is taken up for examination of the accused person U/S 251 Cr.P.C.

Perused the materials on record.

It appears that the prima-facie case U/S 138 of N.I Act is made out against the accused Prasenjit Bhowmick. The substance of the accusation to the effect that on 04-02-2005 at about 5.30 p.m you purchased 130.2 grm gold ornaments from the Uttam Dutta and you issued a cheque bearing No. 474732 drawn on United Bank of India amounting to Rs. 3,70,045/- in lieu of payment of the cost of gold ornaments purchased by you from the complainant, but on depositing the said cheque 30-07-2012 by the complainant to his banker for encasement, the said cheque was dishonored due to insufficient amount in your account and returned unpaid to the complainant, after that one legal demand notice was served to you in due time on behalf of the complainant but you failed to pay the cheque amount to the complainant within the statutory period after receiving of the said notice, for which you have committed an offence punishable U/S 138 of N.I Act....." are read over and explained to the accused person in Bengali and on being asked whether the accused pleads guilty or not, the accused pleads not guilty by saying "*Ami Nirdosh"* and claimed to be tried.

Fix **22-08-2019** for evidence of the complainant if there is no stay from the Hon'ble High Court.

D/C by me.