

Complaint Case no. 541 of 2023

Order dated: 02.04.2025

The record is fixed today for plea.

The sole accused person is present in Court by filing his respective hazira.

Ld. Counsel for complainant and defence counsel are also present.

One petition dated 25.07.2024 is pending before this court.

Heard the petition from both sides.

Now, the petition dated 25.07.2024 is taken up for passing order.

Today, the original power of attorney of Moni Bhusan Chowdhury, the authorized representative of the complainant namely Manashi Chowdhury is produced and photocopy is kept in record.

Accordingly, the petition dated 25.07.2024 is allowed and Moni Bhusan Chowdhury is allowed to represent before this Court on behalf of the complainant

Now the case is taken up for plea.

Perused the complaint and other documents on record. Considering all these a prima facie offence U/s 138 of N.I. Act is made out against the accused person.

Accordingly the substance of accusation U/s. 138 of N.I. Act to the effect that “to discharge of your legal liability, you accused issued three A/c payee cheques being no. 179236 dated 08.04.2023, 179242 dated 09.04.2023 and 179243 dated 12.04.2023 of amounting to Rs. 9,80,00/- drawn on Axis Bank Ltd, Dasnagar, Howrah Branch which was placed for encashment by the complainant with its Bank of India, at Bantra Branch but the said cheque was dishonored on the ground of “funds insufficient” with cheque return memo dated 05.07.2023 and thereafter the complainant sent lawyer's demand notice dated 18.07.2023 to you by claiming payment of the dishonored cheque amount and after receiving the said notice, you did not make any payment to the complainant and accordingly you are liable under the aforesaid accusation” is read over and explained to accused person to which he pleaded not guilty by saying “Ami nirdosh” and claims to be tried.

Fix 23.06.2025 for evidence.

Dictated & Corrected by me.

Judicial Magistrate, 1st Class,
3rd Court, Howrah

Sarmistha Bose, (JO Code WB01187)
Judicial Magistrate, 1st Class
3rd Court, Howrah

