

719 C of 2018
T.R. 488 of 2018

Order No. 07 dated 26.06.2019:-

The complainant is present by taking step.

The accused Prasenjit Pandit on C.B is present by taking step.

One petition has been filed on behalf of the accused No.02 under Section 305 of the Cr.P.C wherein it has been contended that the accused No.01 is the proprietor of the accused No.02 and as such, he prayed for permission to represent the accused No.02.

The learned advocate for the complainant submits that accused No.01 is indeed the proprietor of accused No.02 and as such without appointing any representative, the accused No.01 can well represent its proprietor.

Since the accused No.01 being the proprietor of accused No.02 has filed the petition and is present today, I find no impediment to allow the accused No.01 to represent accused No.02 under Section 305 of the Cr.P.C and I find that the requirement of Section 305 of the Cr.P.C has been complied with more so as the complainant has raised no objection.

The petition is thus allowed.

Accused No.01 is to represent himself as well as accused No.02 in view of Section 305 of the Cr.P.C.

The substance of accusation punishable U/S 138 of the N.I. Act to the effect that the complainant Saran Kumar Roy on good faith and friendly terms, extended friendly loan of Rs.3,50,000/- to the accused without any interest on condition to return within one month and in discharge of his liability, after passing of one year and on request of the complainant, the accused issued the cheque being No.000027 dated **14.09.2018** amounting to **Rs.3,50,000/-** drawn on **Bandhan, Sankrail Branch** but the said cheque was deposited at U.C.O Bank, Balitikuri Branch but the same was returned unpaid with the endorsement '**Funds insufficient**' on **18.09.2018** and thereafter on 06.10.2018, the complainant sent an advocate's letter to the accuse asking to return the cheque amount within 15 days and the accused received the said letter on 09.10.2018 but inspite of that did not make any payment till date is whereby the accused has committed the offence punishable U/S 138 of N.I. Act and the same is within my cognizance is read over and explained to the accused Prasenjit Pandit for himself and for accused No.02 to which he pleaded "Not guilty" under Section 251 of the Cr.P.C by saying "Ami Nirdosh" and claim to be tried.

Fix for evidence.

Parties co come ready.

Accused persons as before.

Judicial Magistrate, 1st Class,
5th Court, Howrah.