

CR 139/2023

CNR No. WBHG060010532023

Order dated 20.04.2024

Today is fixed for hearing of the petition dated 07.02.2024.

Both sides filed their haziras.

Both sides heard in full.

Ld. Advocate for the accused person submitted that the accused took a loan of Rs.15,000/- from the complainant and to pay off such loan the accused has issued the cheque. It is further submitted that the accused has paid off Rs.15,000/- along with Rs.2000/- as interest i.e. Rs.17,000/- to the complainant. On 25.02.2023 the accused is said to have paid Rs.7000/- in cash to the father of the complainant and on 10.03.2023 the complainant has received Rs.5000/- in his account being no. 10480100008191 and on 16.03.2023 the complainant received Rs.5000/- in the said account but the complainant intentionally did not return the cheque to the accused. Under this circumstances, the accused has prayed for an order of discharge. .

Hence, the petition.

Ld. advocate for the complainant raised vehement objection against instant application and prayed for its rejection.

Perused the petition and other connected materials on record.

Considered.

It appears from the photocopy of money transfer receipt that Rs.5000/- was deposited in the account of the complainant. It further appears from photocopy of another receipt dated 16.03.2023 that another Rs.5000/- was credited in the a/c of the complainant and a photocopy of an unsigned document showing that Rs.7000/- was received on 25.02.2023. However, in the said three documents there is nothing mentioned about any fact that the said amount were paid by the accused. It further appears from the said unsigned document cash of Rs.7000/- was received but neither there is anything mentioned as regard to who had accepted the said amount and that there is no authentication of any person whatsoever in the said document. As such, this court is not in a position to discharge the accused person at this stage.

Hence, it is

Ordered

that the petition dated 07.02.2024 is hereby rejected without any order as to cost.

Fix 30.08.2024 for plea.

JM/3rd Court/ Serampore.

JO Code-WB01406