

CRR 138 of 2022
(via video conference)

In the matter of:- M/s. Krishna & Associates Pvt. Ltd. & Ors.
...petitioners

Mr. Anirban Mitra,
Mr. Amit Halder,
Md. Wasim Akram.
...for the petitioners.

Learned Counsel appearing on behalf of the petitioners submits as follows. For the dishonour of a cheque of Rs.10,00,000/-, the learned Appellate Court awarded a compensation of Rs.12,00,000/- along with an imprisonment. No opportunity of hearing was given at the time of deciding the compensation amount. This is a case where two notices were given. In fact, the amount mentioned in the notice was more than the cheque amount. The complainant failed to prove any liability on the part of the accused who have issued such a cheque.

Learned Counsel appearing on behalf of the complainant/opposite party submits that a date may be fixed for final hearing of the case. He further submits that the question of two notices is no more an issue. The presumption that the cheque was issued for a valid consideration weighs in favour of the complainant.

Let the petitioners serve a copy of this application afresh upon the complainant/opposite party by speed post with acknowledgment due, within a week and file an affidavit of service to that effect on the next date of hearing.

Let this matter appear as a 'Listed Motion' three weeks hence.

The operation of the impugned order shall remain stayed for a period of six weeks from this date subject to the petitioners, without

prejudice, depositing a sum of Rs.10,00,000/- i.e., the cheque amount before the learned Trial Court within three weeks from this date. It shall be open to the opposite party/complainant to pray for release of such amount in its favour in the interregnum upon giving usual undertakings. The payment will be subject to the final decision of this Court.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)