

Court No.
39
Item 48
Ssi

26.04.
2022

C.R.R. 1352 of 2022

In the matter of:- **Bappaditya Chakraborty.**

Mr. Sachit Talukdar

...for the petitioner

Learned counsel appearing on behalf of the petitioner submits as follows. For the purported dishonour of a cheque of Rs.2,57,476/-, the petitioner was directed to pay a fine of Rs. 2 lakhs by the learned trial Court in a proceeding under Section 138 of the N.I. Act. This was modified by the learned Appellate Court. As would be evident from a server copy of the order as also from the discussions within the body of the judgment, the compensation amount was increased to Rs. 4 lakhs. However, from the order portion of the certified copy, it appears that a sum of Rs. 5 lakhs was directed to be paid as compensation. This is a case where the petition of complaint was not maintainable as the said complaint was filed by the Managing Director of the concern in his name, although the cheque had been issued in favour of the particular concern. The prosecution failed to prove the case beyond reasonable doubt.

Let the petitioner serve a copy of this application

upon the opposite party by speed post with acknowledgment due, within a week. An affidavit of service to that effect shall be filed on the next date of hearing.

Let this matter appear as a “Contested Application” one week after the ensuing “Summer Vacation”.

Subject to the deposit of Rs.2,57,476/- by the petitioner, without prejudice, before the learned trial Court within three weeks from this date, the operation of the impugned judgment and order shall remain stayed till three weeks after the ensuing “Summer Vacation”.

The parties shall be at liberty to pray for extension or modification or vacating of the interim order upon notice to the other side.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)