28.05.2025
Sl. No.43
Sc/Naba

C. R. R. No. 2126 of 2025

In Re: An application under Sections 439/442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 filed on 13.05.2025 in connection with Complaint Case No.CS/76333/2017.

And

In Re: ***Masud Tarif***

… … Petitioner

Mr. Moyukh Mukherjee,
Mr. S.N. Upadhaya,
Ms. Pritha Basu,
Mr. Anurag Modi,
Ms. Ankita Sikdar,
Ms. Joyshree Ghosh,
Ms. Akansha Chopra,
Mr. U. Daga,
Ms. Siddhi Agarwal

… … for the petitioner

1. The instant criminal revision has been preferred for quashing of a proceeding being Complaint Case No.CS/76333/2017 pending before the learned 11th Judicial Metropolitan Magistrate, Calcutta.

2. Learned counsel for the petitioner submits that the petitioner is one of the directors of a company wherein a cheque was issued by the said company signed by another signatory. He submits that the present petitioner only being a director of the company cannot be vicariously liable for the alleged offence punishable under Section 138 read with Section 141 of the Negotiable Instrument Act. In support of his contention, he has submitted a recent decision of the Hon'ble Apex Court passed in ***Susela Padmavathy Amma Vs. Bharti Airtel Limited*** reported in ***2024 SCC OnLIne SC 311***.

3. Having heard the learned counsel for the parties and considering the law laid down by the Hon'ble Supreme Court in the case of ***Susela Padmavathy Amma*** (*supra*), it appears that there is justification to entertain the instant criminal revision. Accordingly, the instant criminal revision be admitted.

4. The petitioner is directed to serve upon the opposite parties and file affidavit-of-service on the returnable date.

5. Let the matter appear in the list in the first week of July, 2025 under the heading “Contested Application” before the appropriate regular Bench.

6. Considering the circumstances and law declared by the Hon’ble Apex Court, there shall be an order of stay of further proceeding of Complaint Case No.CS/76333/2017 pending before the learned 11th Judicial Metropolitan Magistrate, Calcutta for a period of eight weeks from date or until further order, whichever is earlier.

(Subhendu Samanta, J.)