

**CRR 2270 of 2025**

**Mamatha Nagesh  
Vs.  
The State of West Bengal & Anr.**

Mr. Dipta Dipak Banerjee

... .. for the petitioner

1. Learned advocate for the petitioner submits that the criminal proceeding being Case No. C/35/26/2022 under Section 138 of the NI Act, 1881 currently pending before the Court of Ld. 7<sup>th</sup> Judicial Magistrate, Kolkata is liable to be quashed.
2. The primary ground urged is that the continuation of the proceeding against the petitioner is patently illegal and constitutes an abuse of the process of Court as the petitioner was not the signatory of the cheque, forming the subject matter of the complaint. Since the offence under Section 138 is predicated upon the drawer or signatory of the instrument. Inclusion of the petitioner as an accused, despite being a non-signatory is assailed as being bad in law on the face of record.
3. Upon consideration of the submission advanced by the Ld. Counsel and a prima facie review of the materials annexed to the application, this Court finds the sufficient materials is available to admit the instant Revisional Application for a full and contested hearing on merit.

4. According, the instant Revisional Application stands admitted.
5. Let the matter appear under the heading of “Contested Application” on the adjourned date.
6. Learned advocate for the petitioner is directed to serve notice upon the Opposite Party No.1 through the office of the learned Public Prosecutor, High Court at Calcutta and Opposite Party No.2 at his address through Speed Post with AD and file affidavit of service by the adjourned date.
7. Let this matter appear on 28<sup>th</sup> November, 2025.

**(Uday Kumar, J.)**