

16.01.2026

Sl. No.497.

D/L.

Mithun.

Ct.No.29.

CRR/4486/2025

Chandan Mukherji

Vs.

The State of West Bengal & Anr.

Mr. Dilip Kumar Mandal

... for the petitioner

The petitioner herein submits that the Trial Court while issued process against the petitioner did not comply Section 223 of the BNSS. He further submits that though it appears from the order dated 4th August, 2025 that pre-cognizance notice upon the suspect/petitioner was given but it appears from the next order dated 1st September, 2025 that the Court below only on the basis of postal receipt and relying upon Section 27 of the General Clauses Act came to a finding that the pre-cognizance notice has been duly served upon the suspect. In fact, the suspect/petitioner never received any pre-cognizance notice and, as such, taking cognizance by the court below is bad in law.

He further submits that the dispute between the parties is purely civil in nature and the petitioner/company has claimed an exorbitant amount even after credit card was returned to the bank. In this context, he relied upon a judgment of Madras High Court passed against the self-same company on similar type of allegation, initiated by another victim in **WP No.9683 of 2010** and **W.M.P. Nos.1 & 2 of 2010** in **K. Shivakumar Vs. Standard Chartered**

Bank & Ors. dated 13.06.2022. He also relied upon the judgment of **Delhi Race Club Limited & Ors.** reported in **(2024) 10 SCC 690** in support of his contention that the Court must not be used as a money recovery agent.

Having heard learned Counsel for the petitioner, the impugned order dated 1st September, 2025 by which the process has been issued against the petitioner is stayed for a period of 12 (twelve) weeks or until further order, whichever is earlier.

Let the matter be listed under the heading “To Be Mentioned” on 9th February, 2026.

Parties to act on a server copy of this order duly collected from the official website of the Hon’ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)