

WA 36/2005

BEFORE

THE HON'BLE MR JUSTICE D. BISWAS, CHIEF JUSTICE(ACTG.)

THE HON'BLE MR JUSTICE B.D.AGARWAL

Heard Mr SP Roy, learned counsel for the appellant and also Mr Devashis Baruah, learned counsel for the respondent.

This appeal is directed against the judgment dated 9.8.2004 passed by a learned Single Judge of this Court in WP(C) No.7998/2002.

By the impugned judgment, the learned Single Judge dismissed the writ petition filed by the appellant herein for quashing a proceedings initiated at the instance of the respondents u/s 138 of the N.I.Act and u/s 420/406 of the IPC.

We have gone through the judgment under appeal for rejection of the prayer of the writ appellant. It appears that the initiation of proceedings u/s 138 of the NI Act and u/s 420/406 of the IPC has been ordained for dishonour of the cheques issued by the appellant. Prima-facie there are merits to go for trial. The findings of the learned Single Judge, in our considered opinion, call for no interference. The appeal is therefore dismissed.