

DISTRICT : WEST TRIPURA : KHOWAI
COURT OF : S.D.J.M.
PRESENT : V.P.DEBBARMA
CASE NO. : N.I. 06/2013

Sri. Digbijoy Deb
Versus
Sri. Karna Mohan DebBarma

15.02.2014.

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The accused on bail is absent and represented by his engaged Counsel.

Ld. Counsel for the complainant is also present.

The petition dt. 31.01.2014 filed by the accused is taken up for discussing wherein he prayed for his discharge. Ld. Counsel for the complainant submitted that the alleged Cheque was dishonoured by the concerned Bank on 30.10.2012 whereafter on 02.11.2012 he issued the legal notice through his engaged Counsel by way of registered post with A.D. He contended further that he did not receive any A.D. for which on 04.02.2013 he wrote to the concerned postal authority and then only he could know that the accused received his notice on 06.11.2012.

Ld. Counsel for the accused on the other hand submitted that it was for the complainant to make out the service of legal notice upon the accused and file the case within appropriate time considering the limitations as prescribed by Law. He stated further that the accused through received the legal notice in time, he did not prefer to reply positive as the claims were false and fabricated and thus prays that the instant case is liable for dismissal for being beyond the period of limitation.

Heard Ld. Counsel for both the sides and could observe that the contentions of the accused are satisfactory. Once the legal notice has been sent by way of post in a proper address, there was option that it can be taken as deemed to be served, if the requisites do not return. It is further observed that the complainant waited for more than 03 months for the above purpose which actually led him to end the period of limitation as prescribed by Law.

In accordance with the above, I am of no opinion to consider any further

chance for the complainant to stand his case. Further proceedings is hereby stopped.

The accused is hereby discharged from the liabilities of this case.

Surety of the accused also stands discharged.

The documents submitted in this case be returned back to the concerned parties after expiry of the appeal period.

This case is disposed of on contest.

As dictated