

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 289 of 2021

M.K.K. Processing Udyog Private Limited & Anr.
Vs.

Dytron Marketing Services Private Limited & Anr.

For the Petitioner : Mr. Amarendra Chakraborty

Heard on: : 4th February 2021

Judgment on : : 4th February 2021

The Court:

This is an application challenging the order dated 21.01.2021 passed by the learned Metropolitan Magistrate, 10th Court, Calcutta in Case No. CS/15920 of 2020 under Sections 138 and 141 of the Negotiable Instruments Act, thereby rejecting the accused/ petitioners' prayer for condonation of absence and issuing a warrant of arrest as well as an attachment against the accused petitioners.

Learned counsel appearing on behalf of the petitioners submits as follows. After issuance of summons in the case, the accused petitioner prayed for an adjournment on 14.12.2020 and undertook to file Vakalatnama on the next date. On the next date i.e. on 21.02.2021

the petitioner No.2 could not attend the Court due to illness, produced a certificate in this regard from a homeopathic practitioner and prayed for an adjournment for the day. It is not uncommon for a person to have faith in homeopathy. However, the learned trial court was not satisfied with the application and rejected the petitioners' prayer and went on to issue a warrant of arrest and an order of attachment against the present petitioners. The petitioners want to join the process at the earliest.

I have heard the learned advocate for the petitioners and have perused the revision petition.

No prejudice will be caused to anyone if a direction is passed upon the petitioners to join the proceeding at the earliest.

It appears that the petitioners want to join the proceeding at the earlier.

In view of the above and in the interest of justice, I set aside the impugned order directing issuance of warrant of arrest against the accused / petitioner no. 2 and attachment against the accused/petitioner no. 1 and the petitioner No. 2 is directed to appear before the learned trial court within the said period of three weeks. The learned trial court shall pass appropriate orders and proceed with the case from there on.

With these observations, the revisional application and the connected application are disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta,J.)

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