

In the matter of:- M/s. Bahubali Properties Ltd.

.... petitioner

Mr. Ajay Chaubey,
Mr. Amajit Dey,
Ms. Shakshi Rathi.
...for the petitioner.

This is an application seeking an expeditious disposal of a proceeding under Sections 138 and 141 of the Negotiable Instruments Act.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is the complainant in this case. The instant proceeding was initiated by the petitioner as far back as in 2009. The opposite party nos.1 to 5 are the accused in this case. The private opposite parties being opposite party nos.3, 4 and 5 obtained bail on 20.01.2010. Soon thereafter, the opposite party no.5 became absconding. A warrant of arrest had to be issued against him. The present proceeding has remained pending on this ground. No effort was made by the learned Trial Court either to issue proclamation or attachment against the absconding accused or to split up the trial. The matter has remained pending for no fault on the part of the present petitioner.

I have heard the submissions of the learned Counsel appearing on behalf of the petitioner and have perused the revision petition.

No prejudice will be caused to anyone, if a direction is passed to expedite the proceeding.

It appears that an inordinate delay was occasioned in concluding the impugned proceeding.

One wonders, why the learned Trial Court did not explore the possibility of issuing orders of proclamation and attachment against the absconding accused or, for that matter, to split up the trial as against the

non-appearing accused.

In view of the above and in the interest of justice, I request the learned Trial Court to split up the proceeding as against the non-appearing accused and conclude the same as expeditiously as possible without granting any unnecessary adjournment to any of the parties, preferably within a period of six months from the next date of hearing.

With these observations, the revisional application is disposed of.

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

(Jay Sengupta, J.)