

03.08.2021
Item no.7
Ct. No.34
CHC

C.R.R. No.1280 of 2012
IA NO: CRAN/1/2012 (Old No:CRAN/1164/2012)

(Via Video Conference)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Sundar Biswas

... petitioner

Mr. Sanat Kr. Das,
Mr. Sujan Chatterjee

...for the petitioner

In Re: IA NO:CRAN/1/2012(Old No.CRAN/1164/2012)

Learned advocate for the petitioner submits that there was an unintentional delay of 121 days in preferring the revisional application.

Learned advocate draws attention of this Court to paragraphs 2 and 3 of the application for condonation of delay.

Having regard to the reasons so assigned therein, I am of the view that the reasons are just and sufficient and there are reasons beyond the control of the present petitioner for preferring the revisional application beyond the time limit prescribed under the statute.

Delay as such, is condoned. The application being IA NO: CRAN/1/2012 (Old No. CRAN/1164/2012) is allowed.

In Re: C.R.R.1280 of 2012

The revisional application was preferred challenging the judgement and order dated 29.08.2011, passed by the learned

Additional Sessions Judge, 3rd Court, Hooghly, in Criminal Revision No.214 of 2010, wherein, the learned sessions court was pleased to affirm the order dated 13.09.2010, passed by the learned Judicial Magistrate, 2nd Court, Hooghly, in connection with C.R. Case No.252 of 2007, under Section 138 of the Negotiable Instruments Act.

I find from the records of this case that the subject-matter of challenge before the learned Magistrate were relating to sending the cheque to the handwriting expert for opinion. Learned Magistrate and the learned sessions court refused to accede to such prayer in view of the fact that the said plea was taken up by the accused at a belated stage i.e. after the evidence of defence witness was over and date was fixed for final arguments of the case.

Records of the present revisional application reflect that the same is pending for about nine years before this Court. No information could be furnished by the learned lawyer appearing for the petitioner regarding the present stage of the proceedings and whether the same has been disposed of by the learned Magistrate. In case, the proceedings are pending, the learned Magistrate would be at liberty to re-consider the prayer so advanced by the petitioner. However, if the case before learned Magistrate has concluded and the appeal/revision has been subsequently disposed of on merits by the sessions court, in that case, the order so passed may be ignored.

With the aforesaid directions C.R.R.1280 of 2012 is disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)