

Court No.
32
Items 7 &
8
ssi

29.01.
2021

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 1563 of 2018

Samit Kumar Ray

Versus

Filter & Protect

With

C.R.R. 3021 of 2019

Filter & Protect

Versus

Samit Kumar Ray

For the petitioner in CRR 3021 of 2019 : Ms. Baisali Basu
Ms. Mamata Jana
....Advocates

Heard on : 29.01.2021

Judgment on : 29.01.2021

Jay Sengupta, J.:

The two revisional applications being CRR 1563 of 2018 and CRR 3021 of 2019 pertain to the same proceeding. Therefore, they are taken up for hearing together. While CRR 1563 of 2018 was filed by the accused challenging an order closing defence evidence, CRR 3021 of 2019 has been filed by the complainant seeking an expeditious disposal of the proceeding under Section 138 of the Negotiable Instrument Act.

Affidavit of service filed on behalf of the petitioner in CRR 3021 of 2019 is taken on record.

Despite an earlier service upon the accused and a recent service upon the learned advocate on record of the accused, no one appears on behalf of the accused in respect of the two revisions.

Learned counsel appearing on behalf of the complainant submits as follows. The impugned proceeding was initiated by the complainant in 2014. In spite of this, the proceeding has remained pending for no fault of the complainant. On several dates, the accused prayed for adjournment. Since 2016, dates were fixed for

the accused to adduce defence evidence. Yet, they did not do so. Accordingly, on 15.09.2017 the defence evidence was closed and a date was fixed for argument. The accused are only trying to delay the proceeding. As such, an appropriate direction may be passed for expediting the proceeding.

I have heard the submissions of the learned counsel appearing on behalf of the complainant and have perused the revision petitions.

It appears from the order-sheet that since 07.12.2016, as many as ten dates were fixed for the accused to adduce defence evidence. Yet, the accused did not produce any witness and kept on praying for adjournment. When an order was passed on 15.09.2017 closing defence evidence, they challenged the same in revision before this Court and the matter has remained pending. It appears that the accused was given several opportunities to adduce defence evidence. But, they failed to do so. They kept on protracting the proceeding.

I do not find any convincing ground on which the further prayer of the accused could have been allowed for adducing defence evidence. As such, the learned trial

court was justified in closing defence evidence and fixing a date for argument.

In view of the above, I do not find any merit in the revisional application preferred by the accused being CRR 1563 of 2018 and accordingly, the same is dismissed.

However, there shall be no order as to costs.

The impugned proceeding is pending since 2014 and a considerable delay has been occasioned in concluding the same.

Therefore, I request the learned trial court to conclude the proceeding as expeditiously as possible without granting any unnecessary adjournment to any other parties, preferably within a period of six months from the next date of hearing.

With these observations, the revisional application being CRR 3021 of 2019 is also disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)

