

C.R.R. 2310 of 2021

In the matter of:- **Utpal Chandra**

Mr. Mobaidur Hossain
....for the petitioner

This is an application seeking for an expeditious disposal of a proceeding under Section 138 of the N.I. Act.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the complainant in this case. He filed a petition of complaint on 02.03.2015 and cognizance of the offence was taken by the learned trial Court on the same date. Upon transfer on 04.09.2015, the matter became pending before the learned Judicial Magistrate, 3rd Court, Alipore, South 24 Parganas. Thereafter, several dates were fixed. Till date the proceeding could not be concluded. In fact, warrant of arrest had been issued against the accused on 22.08.2019 and matter has remained pending since then. The proceeding could not be concluded for no fault 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.

It appears that although there is a stipulation regarding the time period within which the proceeding under Section 138 of the N.I. Act has to be concluded, the

same was not adhered to in the present case.

Although the complainant also prayed for adjournment or failed to take steps on a few occasions, the matter remains pending substantially for no fault of the present petitioner.

It is alleged that since 22.08.2019, warrant of arrest has remained pending against the accused opposite parties. The learned trial Court ought to proceed further, initiate appropriate steps against the accused in this regard and take to matter to its logical conclusion.

In view of the above and in the interest of justice, I request the learned trial Court to conclude the proceeding as expeditiously as possible without granting any unnecessary adjournment to any of the parties and keeping in mind the statutory stipulation regarding the time period within which such a proceeding is to be concluded. The learned Magistrate shall be at liberty to take appropriate coercive measures to ensure the attendance of the accused.

With these observations, the revisional application is 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.)