

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

Before:
The Hon'ble Mr. Justice Jay Sengupta

CRR 1876 of 2020

Biswanath Ghosh
Vs.
SRMB Srijan Private Limited & Anr.

For the Petitioner : Mr. Swapan Kumar Mallick,
Ms. Sudeshna Das.

For the Opposite Party No.2 : Mr. Arnab Das,
Ms. Paromita Purkait.

Heard on : 19.03.2021

Judgement on : 19.03.2021

Jay Sengupta, J. :

Although this is an application for quashing of the proceeding in a complaint case under Section 138 of the Negotiable Instruments Act, learned Counsel appearing for the accused/petitioner submits that the petitioner would not like to press for the same and would only pray for setting aside of the order dated 12.03.2010 so far as the closing of cross-examination of PW1 is concerned.

Accordingly, the prayer for quashing made in this application is dismissed as not pressed.

Learned Counsel appearing on behalf of the petitioner submits as follows. Due to some exigency, the petitioner was unable to take steps before the learned Trial Court for cross-examining PW1. A single day's opportunity may be given to him to cross-examine PW1, who is a vital witness in this case.

Learned Counsel appearing for the complainant/opposite party submits as follows. There is no illegality in the impugned order. The petitioner had been praying for adjournments since quite sometime. However, in the event the petitioner is allowed to cross-examine PW1, then it should be restricted to a single day.

I have heard the submissions of the learned Counsels appearing on behalf of the accused/petitioner and the complainant/opposite party and have perused the revision petition.

As would be evident from the order dated 12.03.2020 passed by the learned Trial Court, the learned Trial Court was quite justified in rejecting the prayer of the petitioner for a further adjournment. It was clearly recorded that since 14.02.2019, the accused were continuously filing adjournment petitions.

However, in view of the precious right of an accused to a fair trial, another opportunity may be granted to the accused to cross-examine PW1.

In view of the same and in the interest of justice, the impugned order is set aside. The learned Trial Court is requested to fix a date and allow the petitioner to cross-examine PW1 on that particular day and thereafter proceed

with the trial of the case as expeditiously as possible without granting any unnecessary adjournment to any of the parties.

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.)

Sl.13/NB