

D/L25
July 7,
2022
Bpg.

C.R.R.282 of 2010
With
CRAN 1 of 2010 (Old CRAN 423 of 2010)

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

Sachin Kumar Pal
Versus
State of West Bengal and another

Record reflects that the learned trial court was pleased to convict the petitioner/accused in a case under Section 138 of the Negotiable Instruments Act and directed him to suffer simple imprisonment for 30 days and to pay compensation of Rs.2,14,600/-. The said judgment and order of conviction and sentence was challenged in appeal being Criminal Appeal No.16 of 2008. The learned appellate court by its judgment and order dated 28.07.2009 was pleased to dismiss the criminal appeal.

Assailing such order of the appellate court, the present revisional application was preferred.

Record reflects that the revisional application appeared on 05.02.2010 when a co-ordinate Bench of this Court directed the learned advocate appearing for the petitioner to prefer an application under Section 5 of the Limitation Act. On 09.02.2010 a direction was passed by a co-ordinate Bench for serving an application for condonation of delay upon the opposite parties being State and the private opposite party. On 23.02.2010 a co-ordinate Bench was pleased to observe that there was non-compliance of the earlier direction regarding service of the application under Section 5

of the Limitation Act. The matter thereafter appeared on 09.09.2021 when none appeared for the petitioner and a specific direction was passed by the co-ordinate Bench observing that the condonation of delay application was pending.

The purposes of incorporating the present provisions under the Negotiable Instruments Act were to expedite the progress in respect of a proceeding in respect of dishonoured cheques.

Records reflect that the cheque was issued in the year 2002 and the proceedings before the learned trial court was initiated in the year 2003. Further, the participation of the petitioner before this Court do not reflect any diligence on his part and the complainant even after being successful before the learned trial court as well as the appellate court was unable to get the fruits of the judgment.

Having regard to the observations made above and the fact that unnecessarily for the last 20 years complainant is suffering, I am of the opinion that the revisional application should be dismissed.

Accordingly, CRR 282 of 2010 is dismissed.

Pending application, if any, is consequently dismissed.

The learned trial court is directed to execute the order of conviction and sentence, if otherwise not executed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

