

15.03.
2022

CRR 787 of 2022

In the matter of:- Gaurab Kumar

Mr. Apalak Basu
Mr. Indranil Roy Chowdhury
Ms. Moumita Pandit
.....for the petitioner

This is an application seeking an expeditious disposal of a proceeding in a complain case under Sections 138 and 141 of the Negotiable Instruments Act.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is complainant in this case. He filed the petition of complaint on 25.09.2019. Yet, the plea could not be recorded till date. On several dates the accused had prayed for adjournment. The impugned proceeding has remained pending for no fault of the present petitioner. There is a statutory stipulation for concluding a proceeding under Section 138 of the Negotiable Instruments Act with expedition.

I have heard the submissions of the learned counsel appearing on behalf of the petitioner and perused the revision petition.

No prejudice will be caused to any one if a direction be passed for expediting the proceeding.

It appears that some delay has been occasioned in concluding the proceeding, especially considering the fact

that the petition of complaint under Section 138 of the Negotiable Instruments Act was filed in September, 2019.

One has to remember that there is a statutory stipulation for concluding a proceeding under Section 138 of the Negotiable Instruments Act expeditiously.

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 by invoking necessary coercive measures to ensure the attendance the accused and in particular, to decide the question of plea at the earliest, preferably on the next date fixed for hearing or within two months from the said date.

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.)