

29-04-2022
Subha
Item no.58
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 735 of 2020

In the matter of : **Ashok Kumar Santra**petitioner.

In Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Amal Krishna Samanta
....for the petitioner.

Ms. Sreeparna Das
Ms. Nahid Ahmed
...for the private opposite party no.2.

Mr. Samanta, learned advocate for the petitioner challenges the continuance of the proceedings before the learned Judicial Magistrate.

Learned advocate for the petitioner is of the opinion that the complainant did not sign the complaint and there was dearth in the page enclosed for verification. As the learned Magistrate has applied his mind subsequently by examining the complainant under Section 200 of the Code of Criminal Procedure, assessed regarding the maintainability of the statutory requirements under Section 138 of the Negotiable Instruments Act and thereafter issued process, I am of the opinion that the same is a curable irregularity for which the proceedings on merits cannot be interfered with. So far as the other contentions are concerned regarding enforcement of debt or liability is concerned, the same is question of facts which are to be canvassed in

course of the trial.

Ms. Das, learned advocate appearing for the complainant/opposite party no. 2 resists the contentions advanced on behalf of the learned advocate appearing on behalf of the petitioner and supports the continuance of the proceedings before the learned trial court.

In view of the fact that the proceeding is pending since 2017, the learned trial court is directed to adhere to the provisions of Section 309 of the Code of Criminal Procedure by fixing regular dates for taking the trial to its logical conclusion.

With the aforesaid observations, the present revisional application being CRR 735 of 2020 is disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

