

01.12.2022

Item No.33
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 668 of 2021
with
CRAN 1 of 2021**

**Hanifa Khatun Tharin
versus
Magma Fincorp Limited & Anr.**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Ayan Basu,
Mr. Iqbal Kabir,
Mr. Sumit Routh ... For the Petitioner.

Ms. Shubhangi Singh,
Mr. Ashok Singh ... For the Opposite Party No.1.

Mr. Basu, learned advocate appearing for the petitioner submits that the petitioner is facing the charges under Section 138 of the Negotiable Instruments Act and is pursuing his remedies before the learned Metropolitan Magistrate, 3rd Court, Calcutta. Learned advocate by drawing the attention of the Court to the different orders passed by the learned Metropolitan Magistrate, 3rd Court, Calcutta submits that although plea was recorded on 07.02.2019, but thereafter the complainant did not adduce any evidence, dates are being fixed by the learned Magistrate and there is no progress and till date the examination-in-chief of PW-1 has not been recorded.

I find that almost five years have passed since the institution of the case. Learned advocate appearing for the complainant/opposite party no.1 submits that they have transferred the account to Kotak Mahindra Bank and as

such, the present complainant being Magma Fincorp Limited is not pursuing even in the trial court.

Having regard to the contentions so advanced by the learned advocate representing the opposite party no.1 in this revisional application, I direct that the learned Magistrate would once in a month till the month of May 2023 fix dates for evidence of the case. If no evidence of PW-1 is recorded within the said period, the learned Magistrate will close the evidence of the case and pass necessary orders. The verdict may be declared by 30.06.2023.

With the aforesaid observations, the revisional application being CRR 668 of 2021 is disposed of.

Pending connected application is consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)