

15-12-2022
Subha
Item no.33
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 857 of 2021

Rameshwar Chakraborty
-versus-
Somnath Senapati

Re : An application under Section 482 read with Section 401 of the Cr.P.C.

Mr. Arindam Jana
Mr. Soumajit Chatterjee
...for the petitioner.

Mr. Imran Ali
Ms. Debjani Sahu
.....for the State.

Report submitted by Ms. Debjani Sahu, learned advocate appearing for the State be kept with the record.

Mr. Arindam Jana, learned advocate appearing for the petitioner submits that the subject matter of the complaint case related to dishonour of cheque amounting to Rs.50,000/-.

According to the learned advocate, an amount of Rs.55,000/- was paid through the learned advocate of the complainant which was received by way of acknowledgement of the learned lawyer representing the complainant. The complainant and the accused were sent for mediation and in spite of receipt of more than the amount of the dishonoured cheque, the complainant refused to withdraw the complaint.

I have heard the submissions advanced by the Mr. Jana, learned advocate appearing for the accused/petitioner.

If the complainant at whose instance the case has been initiated do not intend to compound the offence, a court of law cannot compel the complainant to compound the offence.

Records of the case reflect that the examination under Section 251 of the Code of Criminal Procedure has already been completed and dates have been fixed for evidence by the learned trial court. The complainant was absent on number of dates as is reflected from the ordersheet. The case was initiated in the year 2015 and about seven years have been passed since the initiation of the case.

Having regard to the time period, which have been passed in the meantime, I direct the learned trial court to fix dates once in a fortnight and complete the trial preferably within 30th July, 2023.

The issue raised by the learned advocate for the petitioner can be canvassed in course of the trial and at the final stage of the argument of the instant case. No interference is called for by this court at this belated stage.

With the aforesaid observations, the present revisional application being CRR 857 of 2021 is disposed of.

Pending applications, if any, 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]

