

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 1779 of 2022

**Sri Binay Singh
Vs.
The State of West Bengal & Anr.**

For the petitioner :

**For the State : Mr. Tanmoy Kr Ghosh, Adv.
Ms. Shaila Afrin, Adv.**

Heard on : 04.07.2022

Judgment On : 04.07.2022.

Bibek Chaudhuri, J.

The instant revision is not represented by the learned advocate on record. However, on perusal of the averment made in the revisional application this court is of the view that the instant revision can be disposed of with the assistance of the learned Public Prosecutor-in-Charge.

Mr. Tanmoy Kumar Ghosh, learned Public Prosecutor is requested to assist this court. Appointment of Mr. Ghosh be

regularised by the learned Legal Remembrancer, Government of West Bengal.

The instant revision under Section 483 of the Code of Criminal Procedure is filed by the complainant of C.N.S Case No. 605 of 2020 now pending before the Learned Metropolitan Magistrate, 8th Court at Calcutta. It is contended by the petitioner that he is the complainant of the above mentioned complaint case under Section 138 of the Negotiable Instruments Act. The case was instituted on 6th October, 2020. However, till date learned Magistrate could not ensure the attendance of the opposite party no.2. It is found from the certified copy of the order dated 29th April, 2022 that the accused/opposite party no.2 was represented by his learned advocate on the said date. The learned Trial Judge again fixed on 29th June, 2022 for appearance of the accused persons.

It is pertinent to mention that the Hon'ble Apex Court in plethora of cases directed that the cases under Section 138 of the Negotiable Instruments Act shall have to be disposed of at the earliest and preferably within six months from the date of appearance of the accused. The learned Magistrate failed to ensure attendance of the accused during last two years. Therefore, this court is of the view that the instant application can be disposed of with the following direction.

The learned Metropolitan Magistrate, 8th Court at Calcutta is specifically directed to fix a date within one month from the date of

communication of this order for appearance of the accused and his examination under Section 251 of the Code of Criminal Procedure. After recording plea, the learned Magistrate shall dispose of the case under Section 138 of the N.I. Act within six months.

The instant criminal revision, is, thus, disposed of.

(Bibek Chaudhuri, J.)