

27.06.2022

Sl. No. 30

Srimanta

Ct.No. 42

CRR/2024/2022

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In the matter of : **Sri Atul Chandra Nath**

...petitioner.

Mr. Sovan Bera, Adv.,

Ms. Puja Beriwal, Adv.

...for the petitioner.

Ms. Faria Hossain, Adv.,

Ms. Manisha Sharma, Adv.

...for the State.

This is an application under Section 483 of the Code of Criminal Procedure filed by the complainant/petitioner praying for expeditious hearing of Complaint Case No. C – 2794/2011.

On perusal of the revisional application and the materials-on-record this Court is of the view that the instant application can be disposed of with the assistance of the Learned Public Prosecutor-in-Charge. Ms. Faria Hossain, Learned Advocate for the State is requested to assist this Court on behalf of the State.

It is found from the instant application that the petitioner filed a complaint under Section 138 of the Negotiable Instrument Act before the Learned Chief Metropolitan Magistrate at Calcutta in the year 2011. The said case was registered as Case No. C-2794/2011 and it was transferred to the Court of the Learned 18th Metropolitan Magistrate, Calcutta. The said complaint was again registered in the Trial Court as CNS 94376/2016. On 6th February, 2019, the petitioner filed his examination-in-chief on affidavit in the Trial Court. However, till date cross-examination of P.W. 1 is not over. It is submitted by the Learned Advocate

for the petitioner that the petitioner is now aged about 90 years.

It is unfortunate to note that in a case under Section 138 of the Negotiable Instrument Act the Court takes more than three years to conclude trial. On the contrary, it is the consistent view of the Apex Court that cases under Section 138 of the Negotiable Instrument Act are to be disposed of with utmost expedition.

For the reasons stated above, the Learned Magistrate, 18th Court at Calcutta is specifically directed to conclude the trial of the case within four months from the date of communication of this order.

The petitioner is at liberty to communicate server copy of the order to the Learned Trial Court and the Court below is directed to act upon the said server copy of the order.

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

(Bibek Chaudhuri, J.)