

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 2363 of 2022

Urpan Trading Private Limited

-Vs-

The State of West Bengal & Ors.

For the petitioner: Mr. Dipanjan Dutt, Adv.,
Mr. Surojit Saha, Adv.,

For the State:- Mr. Mainak Gupta, Adv.

Heard on: 14th September, 2022.

Judgment on: 14th September, 2022.

BIBEK CHAUDHURI, J. : –

1. The petitioner is the complainant of a case under Section 138 and 141 of the Negotiable Instruments Act being complaint case no. CS-468 of 2019 presently pending before the Learned Metropolitan Magistrate, 14th Court, Calcutta. The petitioner has filed the instant revision praying for expeditious disposal of the abovementioned complaint case.
2. I have considered the averment made in the instant revision and heard Learned Advocate for the petitioner. I am of the view that the instant revision can be disposed of here and now with the assistance of the learned Advocate for the State of West Bengal.

3. Therefore, Mr. Mainak Gupta, Advocate is requested to assist this Court on behalf of the State.
4. Appointment of Mr. Mainak Gupta be regularized by the Learned Legal Remembrancer, Government of West Bengal.
5. It is submitted by the learned Advocate for the petitioner that the petitioner filed a petition of complaint before the Learned Chief Metropolitan Magistrate at Calcutta under Section 138/141 of the NI Act against the opposite parties no. 2-5. The said complaint has been registered as Case no. CS-468 of 2019 and by an order dated 01.06.2019 cognizance of the offence was taken and transferred to the Court of Learned Metropolitan Magistrate, 14th Court, Calcutta for disposal. The Learned Magistrate allowed the prayer of the opposite party no. 2 to be represented under section 305 of the Crpc and other opposite parties under section 205 of the Crpc by an order dated 27.01.2020 and fixed next date for recording their plea on 16.03.2020. The matter has been adjourned on several occasions till date their plea has not been recorded. Next date for recording plea has been fixed on 21.07.2022.
6. It is further submitted by the Learned Advocate for the petitioner that Section 143 of the Negotiable Instruments Act mandates the Court to try cases under Section 138 summarily. Sub-section (2) of Section 138 directs that the trial of the case shall be continued from day to day until its conclusion. Sub-section (3) states that every trial shall be made to conclude within six months from the date of filing complaint.

7. Statutory direction under Section 143 of the Negotiable Instruments Act got judicial recognition in **Indian Bank Association & Ors. vs. Union of India & Ors.** reported in **(2014) 5 SCC 590** when the Hon'ble Supreme Court issued series of directions as to how trial court should take positive endeavour to dispose of the cases under Section 138 of the Negotiable Instruments Act.

8. However, it appears from the process of business conducted by the trial Court in Complaint Case No. 468/2019 that the Learned Magistrate turned deaf ear to statutory dictum under Section 143 of the Negotiable Instruments Act and/or judicial directions passed by the Hon'ble Supreme Court.

9. Under such circumstances the instant revision is disposed of direction the Learned Magistrate to ensure that the proceedings of this case is concluded as expeditiously as possible strictly adhering to the provisions of Section 143 of the NI Act read with Section 309 of the Cr.P.C.

10. The instant revision is thus disposed of.

(Bibek Chaudhuri, J.)