

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 2377 of 2022

Jajodia Finance Limited

-Vs-

Ravi Modi

For the petitioner:	Mr. Sanjay Banerjee, Adv., Mr. Joydeep Bhattacharjee, Adv.,
For the State:-	Mr. Mainak Gupta, Adv.

Heard on: 5th September, 2022.

Judgment on: 5th September, 2022.

BIBEK CHAUDHURI, J. : –

1. The petitioner is the complainant of a case under Section 138 of the Negotiable Instruments Act, 1881 being complaint case no. CN/16149 of 2014 presently pending before the Learned Metropolitan Magistrate, 3rd 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 of the NI Act against the opposite party. The said complaint has been registered as Case no. CN/16149 of 2014 and on 10.04.2014 cognizance of the offence was taken and transferred to the Court of Learned Metropolitan Magistrate, 3rd Court, Calcutta for disposal. The Learned Magistrate issued summon upon the opposite party on 22.04.2014 and vide order dated 30.06.2014 after perusing the postal receipt issued warrant of arrest against opposite party. The opposite party surrendered before the learned Magistrate and was enlarged on bail on 01.08.2014. The matter was fixed for evidence on 15.01.2016 and on 12.11.2018 PW-1 was examined fixing his cross examination on 05.02.2019. PW-1 was cross examined in part on 09.02.2022 and fixed 08.07.2022 for further cross examination. On several occasion the matter has been adjourned since 2014.
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. 16149/2014 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. within 3 months from the date.

10. The instant revision is thus disposed of.

(Bibek Chaudhuri, J.)