

05.12. 2022
item No.6.
n.b.
ct. no. 551

CRR 2211 of 2017

Mr. Nazar Noorali Rangara & Anr.
Vs.
The State of West Bengal & Anr.

Mr. Tarique Quasimuddin,
Mr. Irshad Yaqub
.....for the opposite party no.2.

The instant revisional application is pending since 2017.

Private opposite party is present and petitioner is absent.

Affidavit of service has been filed by the present opposite parties showing that the service upon the petitioner himself and as well as his learned advocate has been effected.

Considering the same, I am taking the matter for hearing on merit.

Heard the learned advocate for the opposite party at length also perused the application under Section 482 of the Code of Criminal Procedure filed by the petitioner regarding quashing of the criminal proceeding being complaint case no.3067 of 20121 under Section 138/141 of the Negotiable Instrument Act pending before the learned Judicial Magistrate 4th Court at Alipore.

It appears that the present opposite parties are the complainant before learned Court below and present petitioner are the accused persons. It further appears that the process was issued upon the present petitioner by the learned Court below in

response to the petition filed by the present opposite parties under Section 138/141 of the Negotiable Instrument Act. On receiving the process, the present petitioner appears before the learned Court below on 19.10.2012. Thereafter, they regularly appeared before the learned Court below and taking their place in the proceeding as accused. After contesting the matter before the learned Court below the present petition was filed challenging the issuance of process after long five years. It further appears from the copy of the order of learned Judicial Magistrate that the matter was stalled before the learned Court below for five years. At this juncture, the present petitioners are not appearing before this Court in spite of service upon them. Considering the same, it appears that they are not interested to proceed with the matter. I further find that there are no illegality or impropriety in the impugned orders passed by the learned Judicial Magistrate in proceeding the complaint case C-3067 of 2012 filed under Section 138/141 of the Negotiable Instrument Act.

Considering the same, I find no ground to quash the question proceeding. Accordingly, the instant criminal revisional application appears to me not meritorious and liable to be rejected. In result thereof, the instant criminal revisional application is dismissed.

All connected applications, if any, are also disposed of .

Order of stay, if any, passed by this Court during pendency of the criminal revisional application is also hereby vacated.

Let the matter be proceed by the learned Court below according to law.

As the matter is pending since long, learned Court below is directed to dispose of the matter as early as possible more preferably within six months from the date of receipt of this order.

Accordingly, CRR 2211 of 2017 is disposed of.

Let a copy of this order be served upon the Learned Magistrate for his information.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)