

10.08.2022

Item No.58
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3688 of 2009

**M/s Diamond Enterprise
versus
M. S. Life Drug House (P) Ltd.**

In Re: An Application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Prattay Khan ... For the Petitioner.

Mr. Arijit Ganguly,
Mr. Sandip Chakraborty ... For the State.

This revisional application was preferred challenging the order dated 17.09.2008 passed by learned Metropolitan Magistrate, 11th Court, Calcutta in connection with Case No. C/3843 of 2003 under Section 138 of the Negotiable Instruments Act.

The subject-matter of grievance related to closure of defence witness by the learned trial court. At the time of admission of this revisional application, there was an interim order of stay of the proceedings.

Learned advocate appearing for the petitioner submits that he has no instruction to continue representing the petitioner in this revisional application.

Mr. Sandip Chakraborty, learned advocate was earlier engaged by the State to inform the complainant. However, having regard to the fact that there is reluctance of the petitioner to pursue this revisional application before this Court, I dispose of this revisional application with a direction

upon the learned Magistrate to conclude the trial of the case as expeditiously as possible.

However, as this revisional application has been pending in this Court since the year 2009 and the petitioner has expressed his ignorance before this Court to further participate after frustrating the proceedings of the learned trial court, I direct the learned Metropolitan Magistrate, 11th Court, Calcutta to immediately attach the quantum of cheque in respect of any bank account of the accused persons, secure the amount before further proceeding with the trial of the case.

With the aforesaid observations, the revisional application being CRR 3688 of 2009 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

Department is directed to immediately communicate this order to the learned Metropolitan Magistrate, 11th Court, Calcutta to take necessary action, as directed above.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)