

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 3720 of 2022

**Priya Dutta
Vs.
Joyjit Dey**

For the petitioner : Ms. Nasreen Islam, Adv.

Judgement on : 12.12.2022.

Bibek Chaudhuri, J.

Trial of CS Case No. 34740/2017 being a proceeding under Section 138 of the Negotiable Instruments Act is a glaring example of non-compliance of the statutory provision contained in Sub-section 3 of Section 143 of the said Act.

Section 143(3) states:-

“Every trial under this section shall be conducted as expeditiously as possible and an endeavour shall be made to conclude the trial within six months from the date of filing of the complaint.”

Now comes the factual aspect of the instant revision. The petitioner as complainant filed a complaint under Section 138 of the Negotiable Instruments Act on 5th June, 2017 which was registered as CS/34740/2017. Suffice it to mention that during the span of last five years the learned Magistrate could not conclude examination of the

witnesses on behalf of the complainant. I fail to understand if the learned Magistrate fixes dates after dates in this case mechanically or he applies semblance of judicial mind in proceeding with the instant complaint. This Court is of the view that the learned Magistrate probably is unaware about the provision contained in Section 143(3) of the Negotiable Instruments Act.

For the reasons stated above, the instant revision is disposed of directing the learned Magistrate, 14th Court at Calcutta to dispose of C.S. Case No. 34740/2017 positively within three months from the date of communication of this order.

The petitioner is at liberty to act on the server copy of the order.

A copy of this order be also sent to the learned Chief Metropolitan Magistrate, Calcutta and the learned Chief Judge, City Sessions Court for their information and to monitor that the order passed by this Court is strictly complied with.

(Bibek Chaudhuri, J.)

**Srimanta, A.R.(Ct.)
Item No. 18.**