

02-08-2022  
Subha  
Item no.49  
Ct no.34

IN THE HIGH COURT AT CALCUTTA  
Criminal Revisional Jurisdiction

**CRR 3539 of 2005**

**Md. Ismile**  
**-versus-**  
**M/s. Nine Star Novelties**

**Re :** An application under Section 482 of the Code of Criminal Procedure.

Mr. Biswajit Manna

...for the petitioner.

The present revisional application was preferred challenging the proceedings of Case No. C-1068 of 2004 under Section 138 of the Negotiable Instruments Act which at the relevant point of time was pending before the learned Metropolitan Magistrate, 12<sup>th</sup> Court, Calcutta.

I find that on 8<sup>th</sup> December, 2005, there was an interim order of stay till further orders. Thereafter, there was no persuasion before this court for the final hearing. Presumably, the complainant by this period of time has become frustrated without any remedy.

The revisional application is dismissed. The learned Metropolitan Magistrate, 12<sup>th</sup> Court, Calcutta is directed to issue a bailable warrant against the petitioner and direct him to appear within a fortnight after issuance of such bailable warrant. If the petitioner is not available, the learned court thereafter would issue harsher process of law for compelling the appearance of the accused/petitioner.

In view of the conduct of the petitioner shown before this court and the frustration expressed by the learned lawyers representing them for their inability to establish any contact, I direct that the further trial of the case would proceed by depositing a sum of money at the stage of Section 251 of the Code of Criminal

Procedure as prescribed under the latest amendment.

With the aforesaid observations, the revisional application being CRR 3539 of 2005 is disposed of.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

Department is directed to communicate this order by 10<sup>th</sup> August, 2022.

Learned Magistrate is directed to immediately act on or before 17<sup>th</sup> August, 2022 and follow the directions as stated above.

It is further stated that the learned Magistrate should take all efforts for informing the complainant of the case.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]