

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 4257 of 2022

M/s Monotrone Leasing Private Limited

-Vs-

M/s P.M. Cold Storage Private Ltd. & Ors.

For the Petitioner: Mr. Arkadeb Bhattacharya, Adv.,
Mr. Sujit Banerjee, Adv.

Heard on: 14 December, 2022

Judgment on: 14 December, 2022.

BIBEK CHAUDHURI, J. : –

1. It is unfortunate to note that a complaint under Section 138/141 of the Negotiable Instruments Act filed by the petitioner-company against the opposite parties on 27th November, 2018 is still pending for disposal in the 8th Court of learned Judicial Magistrate, Alipore.

2. This transpires from record that the above-mentioned complaint was filed before the learned Chief Judicial Magistrate, Alipore who took cognizance of offence and transferred the case to the 8th Court of the learned Judicial Magistrate for disposal.

3. The petitioner has delineated the progress of the case in paragraph 4 of the instant application which is reproduced below.

DATES	EVENTS OF PROCEEDING

30.05.2019	No one appears on behalf of the Opposite parties, matter was adjourned to 05.08.2019
05.08.2019	Opposite parties again failed to enter appearance and as a result, warrant was issued against them and matter was adjourned to 24.10.2019
24.10.2019	Opposite parties entered appearance in the matter, bails were also taken and further filed two applications u/s 205 & 305 of the Code of Criminal Procedure and matter was fixed on 01.02.2020
01.02.2022	Aforesaid two applications u/s 205 & 305 of the Code of Criminal Procedure, respectively filed by the Opposite party no.2 & 3 were duly heard and rejected by the Learned Court as the said applications were not in proper form and leave was granted to them for filing fresh applications in proper form and matter was made returnable on 20.05.2020
20.05.2020	Due to COVID lockdown, matter was adjourned to 02.01.2021
02.01.2021	Due to resolution of the bar, matter was adjourned to 06.03.2021
06.03.2021	Opposite party no.2 & 3 again filed two applications u/s 205 & 305 of the Code of Criminal Procedure and matter was fixed on 05.05.2021
05.05.2021	Due to COVID lockdown, matter was adjourned to 08.11.2021
08.11.2021	Due to resolution of the bar, matter was adjourned to 28.01.2022
28.01.2022	Two applications u/s 205 & 305 of the Code of Criminal Procedure, respectively filed by the Opposite

	party no.2 & 3 were duly heard and allowed by the Learned Court and fixed 12.04.2022 for plea of the opposite parties.
12.04.2022	Due to resolution of the bar, matter was adjourned to 01.06.2022
01.06.2022	Opposite parties filed an application stating that company is under NCLT led CIRP procedure and as such company authorized person be allowed to be released from entering appearance and matter was fixed on 12.07.2022
12.07.2022	As the court was busy due to examination of witness in a custodial death matter, the aforesaid applications was heard and reserved for order, matter was made returnable on 06.08.2022
06.08.2022	Due to absence of the learned Judge, matter was adjourned to 31.10.2022
31.10.2022	Opposite parties herein filed and adjournment petition and matter has been adjourned further to 07.01.2023

4. Thus it is clearly revealed that the learned Magistrate even failed to dispose of an application filed by the opposite parties on 1st June, 2022. Till date the accused persons have not been examined under Section 251 of the Code of Criminal Procedure. The trial court does not care to follow statutory requirement of Section 143(3) of the Negotiable Instruments Act and fails to conclude trial of the case within six months from the date of investigation.

5. Under such circumstances, this Court thinks it fit to pass necessary direction to the court below.

6. The instant revision is disposed of directing the trial court to dispose of the application filed by the opposite parties on 1st June, 2022 within one month from the date of communication of this order and then come to logical conclusion of the complaint case within six months thereafter.

(Bibek Chaudhuri, J.)