

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION  
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

**CRR 4258 of 2022**

**M/s Monotrone Leasing Private Limited**  
**-Vs-**  
**M/s B.D. Motors 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 12<sup>th</sup> October, 2018 is still pending for disposal in the 9<sup>th</sup> 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 9<sup>th</sup> 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.

| <b>DATES</b> | <b>EVENTS OF PROCEEDING</b> |
|--------------|-----------------------------|
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|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06.03.2019 | No one appears on behalf of the Opposite party, matter was adjourned to 16.05.2019                                                                                                          |
| 16.05.2019 | Due to resolution of the bar, matter was adjourned to 09.08.2019                                                                                                                            |
| 07.08.2019 | Opposite party no.3 was granted bail in the matter.                                                                                                                                         |
| 09.08.2019 | In spite of service, no one appears on behalf of the opposite party no.2, matter was adjourned to 23.10.2019                                                                                |
| 23.10.2019 | Opposite party no.4 entered appearance and was granted bail in the matter, however opposite party no.2 failed to appear and fresh warrant was issued and matter was adjourned to 31.12.2019 |
| 31.12.2019 | Opposite party no.2 entered appearance and was granted bail in the matter and matter was adjourned to 29.02.2020                                                                            |
| 29.02.2020 | Due to absence of the learned Judge matter was adjourned to 02.05.2020                                                                                                                      |
| 02.05.2020 | Due to COVID lockdown, matter was adjourned to 19.11.2020                                                                                                                                   |
| 19.11.2020 | Due to COVID lockdown, matter was adjourned to 01.06.2021                                                                                                                                   |
| 01.06.2021 | Due to resolution of the bar, matter was adjourned to 24.08.2021                                                                                                                            |
| 24.08.2021 | Due to resolution of the bar, matter was adjourned to 10.05.2022                                                                                                                            |
| 10.05.2022 | No one appears on behalf of the opposite parties and hence warrant was issued and matter was adjourned to 04.07.2022                                                                        |
| 04.07.2022 | Opposite parties had taken extension of bail in mid June but was not present in the court on the present day, their advocate on                                                             |

|            |                                                                                                                                                                                                                                              |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | record was changed and submitted that as the said company is under CIRP process, company name should be removed. Learned Judge asked strictly for appearance of the opposite parties on the next date and matter was adjourned to 01.09.2022 |
| 01.09.2022 | Learned Court did not sit due to 'No adverse order' notice. Opp. Party/lawyer does not appear and matter was adjourned to 29.11.2022                                                                                                         |

4. Thus it is clearly revealed that till date the matter has not been heard properly and frequent adjournments were granted. 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 examine the accused person within one month from the date of communication of this order and conclude trial of the case within three month thereafter.

7. The petitioner is at liberty to communicate server copy of this order to the learned court below for information and strict compliance.

**(Bibek Chaudhuri, J.)**